

Australian  
**Labor**



## TRANSCRIPT

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

**E&EO TRANSCRIPT  
DOORSTOP INTERVIEW  
PARLIAMENT HOUSE, CANBERRA  
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***SUBJECT/S: Abbott Government's citizenship chaos; payments to people smugglers; Tony Abbott's Royal Commission.***

**RICHARD MARLES, SHADOW MINISTER FOR IMMIGRATION AND BORDER PROTECTION:** Well we are now in the last day of the first week of the last sitting fortnight and we still have seen no legislation from the Government in relation to citizenship. More than two weeks ago, the Prime Minister said that we would have this introduced into the Parliament within two weeks, that has not occurred, this was first put into the public discourse by this Government more than a year ago and we are still none the wiser as to what is going to actually happen. A day doesn't go past at the moment without a new cabinet leak, a new story about this Government being divided on the question of its citizenship legislation. It's divided in the cabinet, it is divided in its party room.

There is real questions about the constitutionality of the proposed legislation and we're being told the advice which highlights that has not been put in front of the cabinet. Indeed there are questions as to what cabinet involvement there will now be in relation, in relation to signing this off. It is clear that the author of the report, Bret Walker SC, upon which these reforms are meant to be based has a belief that the Government misunderstands him, this is hopeless, this is a hopeless way of going about our nation's security, this is a hopeless way about going about one of the most fundamental pieces of legislation that any country can have, legislation which provides for our nation's citizenship. This Government is scrapping over this legislation like kids in a school yard, they need to do better, the Australia people expect them to do better. Now let me make this clear, Labor has had a consistent position in relation to this, we support updating the law as it current stands which provides that anyone who takes up arms against Australia loses their citizenship, we support that, we support updating that principle to take into account a phenomenon such as ISIS and we support doing that in a way which doesn't render people stateless. We support all of that. And that has been a consistent approach from the

moment that this was first mooted. But while we have had a consistent approach, what we have seen on the Government is day-by-day division which becomes more and more entrenched and this is a dogs breakfast from the Government's point of view. Any questions?

**JOURNALIST:** Given that what's happened afterwards was Labor to hasty give its in principle support, particularly given the questions around the constitutionality of this?

**MARLES:** Labor has made clear our support for the principle of updating legislation which provides that people who take up arms against Australia lose their citizenship. That is a principle which is worthy of support and we want to see it be updated. We want to have a sensible conversation, with the Government, an adult, mature conversation with the Government about working that through in our nation's interest. We want to do that on a bipartisan way. Now, the Government has said that this is a key matter of national security. We respect that, and on the basis of that, we want to work in a constructive bipartisan way. So it is utterly appropriate that we have provided our support and that is unwavering. But we actually need to be able to have a conversation with someone and right now who would know who we would talk to on the Government's side about this to get a sensible resolution to this issue.

**JOURNALIST:** As a matter of principle was it a red line issue for you that there would need to be a conviction before someone's citizenship was revoked?

**MARLES:** We need to see the legislation.

**JOURNALIST:** So you don't have a principled position on that?

**MARLES:** We need to see the legislation and that is the first answer to that question. Right now, we have sought a briefing from the Government, we have not been given it. The Government doesn't want to talk to us and I think that is because they don't know what to brief us about. It is very hard to answer these questions in circumstances where we don't have in front of us what the law says. But that is not to say that the question you have asked is not a good one. There does need to be an appropriate balance here between the roles of the courts and the role of the Minister. What I would say is this - Bret Walker, who wrote the report, which underpins these reforms, made the point that he expected that only when somebody had been convicted would their citizenship be stripped. I have got to say that does make sense to me but we do want to have this conversation with the Government, but right now they're not talking to us because they can't reach a consensus amongst themselves.

**JOURNALIST:** Why should the changes go back to Cabinet as opposed to just the National Security Committee and then the party room?

**MARLES:** I am amazed at the commentary which is coming out from Government figures around how their governance works. Cabinet is the supreme decision making body of executive Government in this country. That is actual a pretty obvious point to make and yet that seems to be a point which cannot be properly articulated by members of the Government. And I think this is the real concern here.

This Government is actually hopeless when it comes to national security. It is hopeless. It confuses national security with chest beating. It will go out every day and beat the chest and bang the table as if that is the means by which Australians can be kept safe. Let me tell you the way Australians are kept safe is by having a Government which makes methodical and thorough and considered decisions through a predictable process, a Cabinet process, a process which has underpinned our Government since Federation. Yet what we have got is Government figures not only debating, arguing with each other about the content of the legislation, but about the very process of government which would make a decision and that is a real concern.

**JOURNALIST:** Will Labor continue to put pressure on the Government about people smuggling claims?

**MARLES:** We will. There is real questions for the Government to answer and they've not answered them. The idea that people smugglers have half a chance when they come up next to an Australian Navy vessel of getting a wad of Australian taxpayer funded cash is a real problem, it should be a real concern to every Australian. I mean we have been working very hard to remove the business model of people smugglers and yet if this were to be found to be true, it would seem to put in place a new business model, so we are very concerned about that. We have been asking the Government legitimate questions about that and we've not got any answers and I think that is a hopeless position for the Government to take, because it sends precisely the wrong message to people smugglers.

**JOURNALIST:** How do you respond that Labor also paid people smugglers for not to turn the boats back?

**MARLES:** Look, there has been a whole lot of attempts by the Government to muddy up this area. So let's be really clear about this, I mean on Monday we saw the Foreign Minister attempting to have a broadside at the Indonesian Government in the hope that we would all not talk about this. On Tuesday we really see the Government try and throw ASIS under the bus to distract from an incompetent Minister. Now these are difficult questions to answer in a framework where we're talking about our intelligence and our security agencies but I can answer it in this way. Police agencies and intelligence agencies around the world would pay informants to infiltrate, to undermine, to disrupt the activities of criminal syndicates and they should. That is very different to paying the criminal syndicate to undertake a certain action. The allegation that we had last week is the equivalent of paying drug dealers not to make ice, it is the equivalent of paying murderers not to go out and murder. It's paying people smugglers to do reverse people smuggling. It is a very different proposition indeed. Labor never did that. And we need to hear from the Government that they haven't done it as well because, so long as they are refusing to answer that question, they are sending precisely the wrong message to people smugglers up the line.

**JOURNALIST:** Can I ask you about the citizenship idea. Your colleague Mark Dreyfus this morning said for this to work suspected terrorists should be brought back here, brought back to Australia. How exactly would that work?

**MARLES:** Again, we need to see the detail of the legislation and we have made clear about what our principles are and we've been very consistent about that. The starting point with the answer to any of these questions is we actually need to see what the legislation is and I don't think we are going to see it until the Government actually works out its disunity, its division and actually brings forward a proposition in an adult way. A number of us have made the point and I think this is what Mark was referring to, it does, there is a live question in terms of the propositions that have been raised about how that interacts with the foreign fighters legislation which was passed last year, which grounds the ability to prosecute people on their being a citizen. Now the Government may well have a good answer to that, we just want to have a good conversation with the Government about what that answer might be. But what we need to hear from the Government is, or see from the Government is the legislation so we can actually work through this and we want to do this in a constructive, in a bipartisan way, in an adult, grown up way, but what we have got from the Government is really a group of school kids in the school yard scrapping over this and it is treating the Australian people like mugs.

**JOURNALIST:** How confident are you that Bill Shorten has done nothing wrong in light of these a new allegations today about his time in the AWU?

**MARLES:** Completely confident, completely confident in answering that question. This morning Tony Shepherd, who was the chair at the time of Connect East, who chaired the Commission of Audit on behalf of Tony Abbott, has come out and commented upon the enterprise agreement which has been the subject of Fairfax reports today. Now, Tony Shepherd has made it really clear that this was an excellent agreement for all concerned, particularly for the workers concerned. This was an agreement which paid record rates, record rates for an urban construction project in Australia. This was an agreement which had an impeccable safety record, this was an agreement which had no industrial action, this was an agreement which delivered a fundamental piece of infrastructure to the Victorian people ahead of time. This was an agreement where everyone won. I mean, the employers and the employees alike. This is actually exactly how enterprise bargaining is meant to work. It is a great agreement and one about which Bill Shorten can feel very, very proud. So there is no question to answer here, other than to say this is precisely the kind of thing that enterprise bargaining was designed for and this is an absolutely quality agreement and the fact we have Tony Shepherd in the media making that point very loudly and very clearly just highlights the kind of smear campaign we are being seen run by the Government in respect of the Leader of the Opposition at the moment.

**JOURNALIST:** Wouldn't it be helpful if he addressed these allegations himself?

**MARLES:** Well, Bill Shorten has made it perfectly clear that he is willing to put himself in front of the Royal Commission and answer all of these questions. Far from not answering them, he has made it very clear that he is prepared to put himself in front of the Royal Commission and do all of that. But I make this point as well, there's a lot going on as well in the life of this building of this nation and of this Opposition Leader. We have got a hopeless Government when it comes to national security and the Leader of the Opposition wants to challenge the Government and hold them to account on that. We've got a hopeless Government which has

done a dirty deal with the Greens in relation to pensions and Bill Shorten wants to hold the Government to account on that. So he is not going to be distracted from the critical work that he needs to perform on behalf of the Australian people by these claims. He is not running away from them. He has made it very clear he is happy to speak to the Royal Commission about it but he is absolutely going to go on with his business each and every day.

**JOURNALIST:** Should foreign fighters be brought back to Australia to face the courts here?

**MARLES:** I made the point before, David, that a question has been raised about the interaction between the citizenship legislation and the foreign fighters legislation and that is a point that we've been making for some weeks now. The foreign fighters legislation has people as their being a citizen part of the grounds upon which they are enabled to be prosecuted. Now we passed that legislation through the Parliament in a bipartisan way last year to empower the Government to be able to deal with the threat of terrorism. We simply ask the question how does this legislation operate in relation to that. Ultimately, the answer to that question is we have to see the legislation. And maybe the Government have really good answer to it. But we actually want to have a conversation with the Government which we are totally prepared to do in a bipartisan, in a constructive way but what we need to see from the Government itself is some form of internal consensus so they can talk to us with one voice about what it is they're trying to do.

**JOURNALIST:** Just trying to work out because Mark Dreyfus said this morning they should be brought back to Australia, is that Labor's policy?

**MARLES:** Well I think Mark was referring to the point that I just made; there is a legitimate question about how this interrelates with the foreign fighters legislation, but and maybe the Government have a good answer to it, but that's a point, a question we have been raising for some weeks now and I think that's what Mark was referring too in his comments this morning, but ultimately the answer to this -is we've got to see the legislation and right now this Government is so divided, this cabinet is so divided that they don't know what to talk to us about because they haven't worked it out themselves and it says everything about the total disregard they have for our nation's security and the way in which they handle it.

**JOURNALIST:** What would you say to some of your colleagues who are reportedly worried about whether Bill Shorten should remain Labor Leader?

**MARLES:** Well firstly I don't think that, I've heard none of that and in terms of the allegations that we have heard today, as I've articulated, the only thing Bill should feel about that agreement is one of enormous pride because it set, because it was a quality agreement for everyone concerned. But I want to make this point about the Royal Commission; this is an \$80 million smear campaign against the Australian Labor Party and in particular the Leader of the Opposition. Royal Commissions are there to be, are meant to be there to look at systemic crime, that's why we set up a Royal Commission in institutionalised child sex abuse because that is a crime. Now none of what we have heard, not in the Fairfax papers today, not from the Prime Minister last week nothing have we heard from anyone in relation to Bill Shorten

which suggests any illegality at all. I mean the only thing people are talking about is the quality of his industrial agreements and the one which is highlighted in the Fairfax papers this morning, it turns out is an absolutely impeccable agreement, an impeccable agreement which paid record rates to the people involved for an urban civil construction project in this country. So you know to have the Royal Commission doing this work, as set up by this Government it is pursuing a political agenda and it is an utter waste of tax payers money that this, \$80 million is being spent to try and achieve that. Bill Shorten has nothing to worry about in relation to that and if what the Government wants to do is spend \$80 million dollars to put on show Bill Shorten's industrial record well then go ahead, because that is ground we are really happy to fight on.

Thanks.

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