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**E&OE TRANSCRIPT
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SUBJECTS: Citizenship crisis and the constitution, same sex marriage postal survey, Korean Peninsula, submarines

EMMA NELSON: I'm joined in the studio now by Richard Marles, who is the Shadow Defence Minister of Australia to talk about that and the other shenanigans that Australia seems to be involved in at the moment. What an interesting country you're in at the moment – well, you're an interesting country you've arrived from, Richard.

RICHARD MARLES, SHADOW MINISTER FOR DEFENCE: Well, nice to be here in Britain, Emma, and it is an interesting country. I'm not sure it's the best advertisement for the high watermark of Australian democracy but there you go.

NELSON: Not the high water mark of Australian democracy. Why is that?

MARLES: We have in our constitution a provision which requires you to only be a sole national of Australia in order to serve in the parliament. There are plenty of countries around the world which would have a similar provision.

It turns out that a number of MPs, including our Deputy Prime Minister, are dual citizens. Barnaby Joyce is a dual citizen of New Zealand. He's acquired that by descent which means his father was a New Zealander and he's acquired citizenship as a result of that. He, along with six other MPs, had their status determined as to whether they could be eligible, whether they could legitimately hold their position in Parliament, and five of them, including the Deputy Prime Minister, were found not to legitimately hold their place in parliament, which has now caused a by-election which Mr. Joyce will contest. He's now renounced his New Zealand citizenship and we'll see what goes from there.

I mean, I think, look, it's been a difficult period for the government but it's been much made much more difficult by the way in which they've handled it and really the Government, I think, has handled this in quite a panicked way and compounded the issue.

NELSON: Some have also said that no-one has really come out completely squeaky clean in this one. Almost I read somewhere that someone was accusing the Labor Party, which you're a member of, of lobbing bombs to make political gains out of a constitutional quirk.

MARLES: I wouldn't agree with that. I think it's hard to describe as a constitutional quirk. There is a long history in relation to this provision. It's not that hard to comply with. In a sense it's surprising that a major political party in Australia would get to a point where people haven't been able to get through the hoops properly, if I could put it that way.

The issue here really is that the moment that it was found that there was a problem or a question about the legitimacy of any of these members of parliament there was an obvious play, and that is that those who held Cabinet posts should have taken a leave of absence until their status was determined and things taken from there. As it was, the Government panicked: they kept Barnaby Joyce in place.

It now raises, I think, real legal questions about the validity of government action on his part and the part of Fiona Nash, another member of the Cabinet, during the period where their status has been determined. I think the panicked way in which the Government has gone about this has actually compounded the problem far more than what the original Constitution issue was.

NELSON: Does it really matter that your Deputy Prime Minister might have a New Zealand passport? There was someone else that was from Italy and he'd never been to the country.

MARLES: Look, sure, the Constitution has its provision. It was written back in the 1890s and people can make that point.

I suppose what I would say is this: the law is the law. If you were to look at the key critical issues of constitutional change that I might be interested in pursuing this isn't one of them. You can have a debate about whether it's appropriate in this day and age, but far easier than that is just to go through the steps to make sure that we are all compliant with the Constitution and that's what members of the Labor Party have done. It's actually what members of the Liberal Party have done, but the National Party have been unable to get this right and three of their members have been caught up in it.

I think having a discussion about whether this is the right provision to have in this day and age kind of misses the point. The rules are what they are and it's not that hard to comply with them, and you know if you are looking at going down a process of constitutional reform this is not the top 10 issues you'd be dealing with.

NELSON: No absolutely not. The one thing that it does actually do for Labor is it allows you to stop - forgive me if I'm inaccurate here - but you're now able in certain ways to challenge passed legislation because that majority that was once enjoyed is no longer there as the ruling party you don't have that majority anymore.

MARLES: Well they don't have that majority now, but I think the real point is they didn't have to have gone down this path. You know there was another way that they could have proceeded once they realized they had an issue. They could have been dealing with a whole lot of non-controversial areas of legislation, of which there are plenty over these past few months, but instead they stubbornly held to a position which was that this was not going to be a problem, that these members of parliament would be found to be validly elected.

Of course that's turned out not to be true, and by virtue of that they really have raised questions about the legal validity of a whole lot of government action in respect of these members of parliament, not only in terms of their role as parliamentarians but their role as members of cabinet.

It's so unnecessary. They didn't have to do this, which is why I say I think it's been a difficult moment for the Government, in a sense for our parliament, but it's not a crisis and it could easily have been worked through. The issue here has been the way the Government has reacted to it in such a panicked way.

NELSON: Well, let's have a look at the way that we could move forward with this. The constitution of Australia was written got a good 117 years ago and the world has changed quite a bit since then. We move a lot. We travel. We are a much more diverse world. Do you not think perhaps, dare I say, we should start off here at the Constitution to adapt slightly more to the realities of our lovely open travelling globe?

MARLES: Well look, as I say I think that there are a whole lot of issues that you might look at within the Constitution, and one of the difficulties with the Constitution as it was framed by our founding fathers, as they all were then, is it is actually quite difficult to change. That's why I come back to this: if you were to look at the top 10 issues that you wanted to change in the Australian Constitution, and there would be a number, this wouldn't be one of them.

I mean it's kind of nice esoteric debate about whether it fits in today's world, but the bottom line is it's actually easy to comply with, and the simple way home here is to just make sure that anyone who intends to run for parliament does comply with the Constitution.

There are much bigger issues out there, and it it's surprising that that didn't occur with the National Party, which both Barnaby Joyce and his Deputy, Fiona Nash are members of. Given that this is where it is it's got to, I think what's most illuminating about this whole issue is, as I say, the panicked way in which the Government dealt with it and frankly I'm doing it that way they've compounded the issue.

NELSON: One issue that has been dominating the press outside Australia, at least, is the, I don't know how to say it correctly, the postal survey on gay marriage. I know that we're not allowed to call it lots of things, but it's a non-binding postal survey. Whatever it is, it's caused an awful lot of attention, not least because it cost, so far, \$122 million. Is that a good way of spending money?

MARLES: It is not, Emma.

(Laughter)

MARLES: That's a simple question to answer and I think you correctly describe it. It's a bit hard to really accurately describe what this process is to Australians, let alone an audience outside of our country, so it is it is an attempt at a plebiscite. It is non-binding.

From the Labor Party's view point we think that this is a waste of money and we shouldn't be going through this process and were it up to us we would have put a

vote to the parliament a long time ago and just dealt with the question of marriage equality.

You know, I've been a longtime supporter of marriage equality, as has our party leader. It's been an issue we describe as a conscience vote in Australia, so parties haven't sought to bound - at least, the Labor Party hasn't sought to bound on the issue. The issue has been that the conservative parties in Australia over the last few years have bound their members to a vote against marriage equality.

That said, the survey has now happened. I hope that the result of the survey supports a position of marriage equality. I think if it does we will see a bill presented to the parliament and that would be a great thing.

NELSON: Indeed, not least because one person has described the issue of gay marriage as potentially creating lots and lots of garage in Australia, which is a delightful way of going about what you seem to be doing down there, a very expensive garage.

I asked you to wear your constitutional hat, your gay marriage hat. Finally, let's get you back into your Shadow Defence Minister military hat. Biannual exercises with South Korea in the next couple of weeks. Tell us what Australia plans to do with South Korea, and indeed the whole of the issues of what's surrounding in your part of the world.

MARLES: Well, it is a very volatile part of the world at the moment in terms of what's playing out on the Korean Peninsula. I mean from Australia's point of view, and this is very much a bipartisan position within our polity, we are trying to keep going business as usual, so exercises that we would normally do we want to continue doing and operating with South Korea and the United States.

Obviously what's playing out on the Korean Peninsula right now is very concerning, and I think in terms of trying to understand that what we really need to be clear on is that we have a country in North Korea which is operating in an appalling way towards its own population, which is seeking to breach international provisions and international law around the question of proliferation of nuclear weapons, and in the process acquiring a nuclear capability. Were North Korea ultimately in a position where it could acquire nuclear weapons that it could put on the end of an intercontinental ballistic missile, that makes the world a much more dangerous place and I think it's very difficult for the world to accept that outcome.

NELSON: And finally, your government is under attack over talking about a replacement for your submarines at the moment, saying it's expensive, it's extravagant and it's highly risky that you are redesigning, or Australia's recommissioning, a whole new load of military submarines, none of which seem to fit for purpose, or people are worried that they're not going to be fit for purposes

MARLES: The first thing is, is there's a fair way to go in terms of when those submarines will be in the water. We're talking about the first ones being in the water in 2032. Right now we're at a point where they're being redesigned, or where the next generation of submarines is being designed, I should say.

We've had our criticisms of the Government in terms of the way in which it has handled the process of procuring 12 submarines, but Labor for a long time has been

a believer in the need for Australia to have 12 submarines. We currently have six. We've been a believer in the need for those submarines to be built in Australia, which the Government of now committed to doing.

Whilst we would not necessarily have supported the exact process that's led to where we are now, we, going forward, want to make the best of this and it is important that we have a highly capable long-range submarine. We have a large coastline. We're in a part of the world surrounded by big oceans. Our sea lanes are completely critical to Australia's prosperity, so it's important that we do have a very modern navy and we'll be working with Naval Group, which is the French builder, to see that Australia gets the submarine that it needs.

NELSON: Okay Richard Marles, Shadow Defence Minister of Australia, thank you very much for joining us on the Monocle Daily. You're listening to Monocle24. Up next we head to Catalonia.