



**THE HON RICHARD MARLES MP
SHADOW MINISTER FOR DEFENCE
MEMBER FOR CORIO**

**E&OE TRANSCRIPT
RADIO INTERVIEW
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SUBJECTS: Andrew Hastie; foreign interference; defamation law; China; offshore detention

HOST: Richard Marles is the Shadow Defence Minister and joins us tonight. Richard Marles, welcome.

RICHARD MARLES, SHADOW MINISTER FOR DEFENCE: Good evening, Patricia. How are you?

HOST: Good. Andrew Hastie says it was his duty to reveal what he knew. Has he acted appropriately?

MARLES: Well, I don't know the circumstances in which he was given that information. Ultimately it is a matter for him as to his decision to air this in the House of Representatives, and obviously it's a matter for the Government about how they deal with this. I make the point that when information is given to people in private briefings it's expected that they're kept private. Now, I'm not 100 per cent sure of the circumstances in which he was given that information, but you would hope those sorts of requests are respected.

In a substantive sense what it does highlight for me is the need for us to be dealing with the foreign interference laws in Australia. For a long time now Labor has been saying we should not be having foreign donations in our elections. It's really important that we get consensus around those laws and we get that Bill passed.

HOST: The PM says the information about Dr Chau came from an FBI briefing received by Andrew Hastie which was not unclassified, so what's wrong with sharing that information in the public interest, which is what he identified?

MARLES: Well, I don't think, Patricia, the question of whether or not it's classified answers the question. The question is going to be whether or not this was

information provided in a private briefing or not. I mean, ultimately you probably wouldn't be expecting classified information to be revealed in a briefing of that kind, but you may well have a situation where there's an expectation that information is kept confidential.

I don't know the circumstances in which that was provided. I doubt that Andrew Hastie has broken the law, but it goes to the question of our relationship with these agencies abroad, as to whether or not they feel comfortable in sharing information when they do so on a basis of it being maintained on a private basis.

Now, only Andrew can explain whether or not they are the terms on which the information was given to him and whether he has acted honourably, in that sense, in revealing it in the parliament.

HOST: We know there are legal proceedings in train involving Dr Chau. What did Andrew Hastie's speech in parliament last night achieve, in your view?

MARLES: Well it's obviously difficult for me to go in to issues which pertain to the legal proceedings, so I won't. In a substantive sense I come back to the point I made to you before. It is really important that our elections are our elections; that we are not having foreign donations occurring during our elections.

Now whatever has happened with this individual in the past or has not, clearly there is an issue, and I think we've known this since the joint ABC-Fairfax report more than a year ago about foreign donations, and particularly Chinese donations, into the Australian political system that there is an issue here and I certainly accept that. It's why since June of last year Labor has been calling for a ban on foreign donations. That's why the foreign interference legislation, I think it is absolutely critical that we get it passed and we get it passed in time for the next election.

Now, we're seeking to work constructively with the Government through the Joint Intelligence Committee of the parliament to come to a consensus around those laws, but I think it's really important that we achieve that consensus and that we get those laws passed in time for the next federal election.

HOST: If you're just tuning in I'm Patricia Karvela. This is *RN Drive* and Richard Marles, the Shadow Defence Minister for Labor, is joining us tonight. 0418 226 576 is the text line. Andrew Hastie, do you agree with his broader point, though, that defamation actions have a chilling effect on the free press?

MARLES: Defamation actions have their place in our legal system. I mean, I heard the comment that Andrew Hastie made. The point he made is predicated on whether the information which is in the public domain is true or not. That's to kind of state the obvious. You can't take it to a fundamentalist point that the defamation law gets in the way of the freedom of press and the freedom of speech. Defamation law clearly has a place within our society. You can do an enormous amount of damage to somebody if you defame them.

HOST: Sure, but is the extent of the defamation law right? I mean, there's different versions of defamation law. Does it go too far?

MARLES: I'm not in the camp right now which says that there is something fundamentally wrong with our defamation laws in Australia.

HOST: On another issue, but no doubt related in some ways, China has landed long-range bomber aircraft on an artificial island in the South China Sea. Defence Minister Marise Payne says this is destabilising. How would you describe this move by Beijing?

MARLES: I think Minister Payne's right in that assessment, and I think the Foreign Minister was also right when she said that the militarisation of these islands is not appropriate and we don't want to see them. Indeed, the very building of the artificial islands in the first place was found by a Court of Arbitration internationally to be inconsistent with the UN Convention on the Law of the Sea, and ultimately that needs to be the definition of Australia's national interest when it comes to the South China Sea.

The majority of our trade globally goes through the South China Sea. It is our principal trade artery, and so we have a huge national interest in freedom of navigation through the South China Sea. Asserting the UN Convention on the Law of the Sea has to be where Australia is at and the building of these artificial islands has been found to be inconsistent with it, let alone a militarisation of those islands.

HOST: Foreign Minister Julie Bishop met with her Chinese counterpart this week, and Mr Wang said of the meeting if Australia sincerely hopes that the relations between the two countries will return to the right track they must break away from traditional thinking, take off their coloured glasses, and look at China's development from a positive angle. What's your interpretation of those comments?

MARLES: Well, I do think there is work that needs to be done on the part of the Government to repair its relationship with China.

Let me be clear in making that statement this is not about taking robust positions in relation to the South China Sea that we just discussed. In fact, it is absolutely essential that we do that. Nor is it about the foreign interference laws. It's really essential that we take robust positions there which are about asserting Australia's national interests.

Precisely because there are real complexities in the relationship with China there can be no room for gratuitous comment. Now, at the end of last year in the lead up to the Bennelong by-election that's exactly what we got from the Government: a whole lot of gratuitous commentary about China to try and make a domestic point in the context of a partisan election in Bennelong. Now, if I was Julie Bishop, or if I was the Chinese I'd have enormous concern about the way in which the Government has behaved in relation to that.

HOST: Just quickly, Victorian Labor conference is this weekend and Labor delegates will debate whether there should be an end to offshore processing when they meet. The ABC has obtained a motion which says that basically the offshore detention

centres need to be closed down within your first 90 days if you win government. Is that motion likely to get up?

MARLES: Well, look, the Victorian conference will do what it does. At the end of the day what is binding on the Federal Parliamentary Labor Party is the national platform. That will be determined by the National Conference and I'm confident that when it comes to National Conference the platform that currently exists will be the one that prevails.

HOST: Well, actually, Labor frontbencher Linda Burney has backed setting a date to remove refugees from Manus Island and Nauru. Do you support a date, a timeframe like that?

MARLES: I think it's difficult to set a timeframe because at the end of the day what we need to be doing is negotiating third-country resettlement options, and that is not a timeframe that any Australian Government is going to be in control of because, you know, because you are dealing with governments abroad.

What I think you can do, though, is demonstrate an intent to actually negotiate those agreements and get people off Manus and Nauru, which this Government has patently failed to do. The other point I'd make about it, Patricia is this: our policy and what's currently in our platform is about a transformational commitment in terms of our contributions to the UNHCR, taking Australia from something like the 20th-ranked contributor to being in the top 5; a doubling of our humanitarian intake so that we will very clearly be the highest per capita recipient of humanitarian refugees in the world-

HOST: -Just to be clear, you'll be pushing back on Labor left's attempt to create these time limits for offshore detention?

MARLES: I think time limits are difficult, but the reason why I raised those issues is because they are a statement that we are re-engaging on the global issue of dealing with the world's displaced. Now, that's very different to what this government is doing. This government has in essence put a wall around Australia, turned its back on the world, and not surprisingly when you do that and you go and ask the world for help you'll discover the world has turned its back on you. That is why the Government has struggled so much in terms of finding third-country resettlement options for people on Manus and Nauru.

By having a very different posture in relation to the world's displaced we can achieve a different outcome and we can negotiate third-party resettlement options and that's what I'm sure we'll be able to do.

HOST: How did you work on resettlement, third-country resettlement options, when you were in that portfolio?

MARLES: What, when we were in government? That's exactly what we were doing-

HOST: -No, I'm talking about when you were the shadow minister, too, in opposition.

MARLES: Well it's difficult-

HOST: -It is difficult, but did you try?

MARLES: It is difficult in opposition. You can't represent an Australian Government position from opposition.

What I can tell you is I went to the UNHCR. I spoke to Antonio Guterres, who's now the Secretary General of the UN, and who at that point was the Secretary General of the UNHCR, and spoke to him about how we could be doing better as a nation in terms of trying to resolve these issues, and certainly meeting with the UNHCR heavily informed me in terms of the role we played in developing Labor's current policy.

You know, I do have a sense of confidence that if we became the government we would be able to achieve an outcome which would see the resolution of the fate of those on Manus and Nauru and do that within an appropriate timeframe, but you can't set-

HOST: -But you won't set a time frame.

MARLES: Well, you can't set a deadline because these are not completely within your control, and of course the moment that you do set a deadline you obviously create an artificial environment where you create an incentive for people to wait beyond the deadline. What we need to do is resolve this issue as quickly as possible. We certainly should have resolved this issue by now as a nation. We have not. It's absolutely unacceptable that people have been left to languish on Manus and Nauru throughout that period.

It would be a first order of business for a future Labor government to resolve the fate of those on Manus and Nauru and get them off.

HOST: Richard Marles, many thanks for your time.

MARLES: Thanks, Patricia.

HOST: That's the Shadow Defence Minister, Richard Marles.

[ENDS]

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