

# Press Conference Melbourne

**PRIME MINISTER:** We've had a constructive discussion with the Leader of the Opposition and Senator Wong on the draft resolution that we published on Monday.

I would say that we are in agreement on many things, but the Leader of the Opposition, the Labor side, have gone away to consider some matters. They need to get some advice and come back to us with some other drafting changes, I assume.

Anyway, the important thing is I think, that it was a constructive discussion. We are certainly agreed on the need for disclosure and of the kind that I've set out in the resolution. We're also agreed that the matter must be dealt with before the end of the year. By that, I mean that the disclosures should be made before the end of the year and the House and the Senate should have the opportunity, having considered those disclosures, whether any members or senators should be referred to the High Court. So that we would, before Christmas, know, have all of that disclosed information out there, published, as a matter of public knowledge and the House and the Senate would have considered it and then decide who to refer, if any. Of course it may be that nobody needs to be referred to the High Court.

Again, it's constructive discussion and we really await some further thoughts from the Leader of the Opposition.

But I do think it is important to get on with it.

Because we need to ideally be able to say to members and senators: "There is complete bipartisan agreement on the way in which the disclosure will be done". So, people will be getting all of their paperwork into shape, into the correct form well in advance of the Parliament coming back and the resolutions being passed. Any questions?

**JOURNALIST:** Prime Minister, is there enough time in the sitting calendar this year to have this all resolved? Or is an extra sitting day required?

**PRIME MINISTER:** Well it may be. Again, that's a question that we're discussing. That's really a matter of detail, I am very committed – and always have been – to the disclosures being presented to the Parliament before the end of the year and the House and the Senate being able to consider them. Because you're going to have 226 forms basically, many of which will not have anything very interesting in them, like mine for example. Others may have quite a lot of complex genealogical history and legal information. So it will take some time to consider and you've got to make sure that when the House and the Senate decide who, if any, should be referred, they do so having given it the consideration that it deserves.

**JOURNALIST:** Was there any discussion about changing the rules given what a turbulent time it has been, I guess? Did you discuss with Bill Shorten if the

rules can be changed?

**PRIME MINISTER:** Look, there are two issues. There's the issue about the eligibility of people in the 45th Parliament to sit in the 45th Parliament. That's what this resolution is designed to address. That is the urgent, pressing priority. The Australian public are entitled to know that everybody that is sitting in the Parliament, is entitled to sit there.

The High Court has given its' judgement in the recent decision. It's a very tough, very literal reading of the section. You know, they've said that knowledge is immaterial, so you may not know you're a dual citizen, you may have no reason to know. But if you are, then you're ineligible. That's what the High Court has said.

So that's not the way we submitted the law should be interpreted, but it has been. So we've got to live with the law as handed down by the High Court. Now that we have that, we've got to make sure that everybody is in compliance.

As to the longer-term issues, I've referred the High Court's decision to the Joint Standing Committee on Electoral Matters. There are a lot of questions there. An obvious one is the Department of Foreign Affairs and Trade should be able to provide assistance for people in finding out, at least pointing them in the direction where they can get assistance on these complex questions of foreign law.

You see part of the consequence of the High Court's decision, is that the eligibility of whether Australians – Australian citizens, people born in Australia – can sit in the Australian Parliament, is going to be determined by the provisions of foreign law. We obviously had different submissions, as you know, but they were unsuccessful. So that knowledge of that foreign law is going to be critically important for many people. So there's a role that the Department of Foreign Affairs can play.

Also, clearly at the nomination stage – I think I said this on Monday – people are going to have to be warned you know really in big red flashing letters: "Dual citizenship is an issue," you know, "Where were your parents born? Where were your grandparents born, you know, have you considered?" Perhaps the AEC should say: "If your parents or grandparents were born in the way you described, you may have issues of citizenship of the following country or countries".

We've got to make sure people turn their minds to it, because this can be a trap for people who are completely honest, completely straightforward, totally fair dinkum Aussies and they get caught up in it. I mean look at Barnaby Joyce; there's no-one more Australian than Barnaby Joyce, but the High Court found that at the relevant time he was a New Zealand citizen. So that's why he's running, standing again in a by-election in New England.

**JOURNALIST:** Prime Minister on the matter of Mr Alexander, are you going to ask him to produce his documents when they become available or will you roll that matter into the parliamentary process that you've outlined?

**PRIME MINISTER:** Well Mr Alexander – as you know – what his stated position is, is it's his belief that he is not a dual citizen. He's conducting his own researches at the moment and I'll leave that to him.

Again, it's very important to stress this; that it is the responsibility of every single member and senator to comply with the Constitution. Because the facts relating to each member and senator, particularly in these dual citizenship cases, citizenship by descent cases, are solely within the knowledge of the member or senator. So they've got to make sure they do the work and find out the facts and then the relevant foreign and domestic laws can be applied.

**JOURNALIST:** Labor MP Susan Lamb and Justine Keay, should they refer themselves to the High Court or should they be rolled into the process?

**PRIME MINISTER:** You can't refer yourself to the High Court, just to be clear, the House makes the resolution. So any MP – and this is what Barnaby did of course – can stand up and say: "I move that I be referred to the High Court".

We have a process set up. I think there's a lot of merit in that process taking its course, but each member, if a member thinks they're not eligible to sit in Parliament, they should stand up and say so. If they feel they're not eligible to sit in the Parliament, they shouldn't be sitting in it.

Now as far as Justine Keay and Susan. Well, Justine Keay certainly, I understand, she has acknowledged she was a UK citizen at the time she nominated. So that obviously creates a real issue.

So she's ticked a box which says she's in compliance with section 44(1) and one of the requirements is you not be a citizen of another country and she said she was a citizen of another country. So that's going to involve, if she wishes to maintain her position in the Parliament and not resign, that's going to involve some considerable legal debate.

I think the High Court's been very clear on the matter in the recent decision. Again, it is a very tough, very literal decision that has been taken. We've got to, we have to comply with it. Just one more. Sorry?

**JOURNALIST:** Are you willing to negotiate on the 21 day waiting period? Could it possibly be shorter than that?

**PRIME MINISTER:** Look, the timing is absolutely something we are talking about in a constructive way. I mean my objective is to do this, is to ensure that people have adequate time to complete the paperwork, that the House and the Senate have some time to consider them and that the House and the Senate vote on whether people should be referred to the High Court or not.

Because, if people are going to be referred to the High Court, then you want to get the ball rolling as soon as possible, because the sooner the referrals are made, the sooner the High Court can schedule the hearing.

Clearly, the timing in the House is obviously a matter for the government. But I am very prepared to work with the Opposition in a very constructive

way. I really am committed to doing everything I can to ensure that this process is one that belongs to the whole Parliament.

This dual-citizenship problem affects all parties. It affects government, opposition, cross-benchers. we've seen all of that. So let's deal with it in a very dignified and constructive way to ensure that we have the right process that gets us to the point where Australians are satisfied that everyone that is in the Parliament is constitutionally qualified to be there.

**JOURNALIST:** Should voters prepare for a fresh election?

**PRIME MINISTER:** What we should be prepared to do, prepared for, is the Parliament addressing this problem, this challenge responsibly. As I said, I want to make sure we've got enough time for the disclosure requirements to be complied with, enough time for the Parliament to consider it and then vote on referrals before the end of the year.

So we didn't do it today. I make no criticism of Mr Shorten whatsoever in this regard, he wants to get further advice and consult with others.

But we do need to get on with it because while we can obviously pass a resolution in the House, but with our own numbers as the Government and I'm sure the support of much of the crossbench, it would be better if it was seen as being language that would belong to the overwhelming majority of the members.

I stress, this is an issue for the whole Parliament. This is an issue for the whole Parliament because it's an issue for every single senator and member. Thank you all very much. See you soon.