

# 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.

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## [Radio interview with Fran Kelly, ABC Radio National Breakfast](#)

**FRAN KELLY:**

MPs and senators will be given 21 days to prove they are not citizens of another country under a circuit breaker plan to end the dual-nationals fiasco which has crippled the Government and undermined trust in the institution of Parliament. The Prime Minister will meet the Opposition Leader Bill Shorten tomorrow to discuss what amounts to a citizenship register. It will require all 226 parliamentarians to prove they have complied with Section 44 of the Constitution. But just moments after the PM disclosed the new rules, yet another Liberal MP John Alexander was placed under a legal cloud, further endangering the Government's wafer thin majority. The Prime Minister joins me in the Breakfast studio. Malcolm Turnbull welcome back to Breakfast.

**PRIME MINISTER:**

Good morning, Fran. Good to be with you.

**FRAN KELLY:**

You want all MPs to do a show-and-tell effectively, declare their heritage to Parliament. Are you prepared for the consequences like this because more disqualifications risks bringing down your Government?

**PRIME MINISTER:**

Fran, it is vitally important that we have complete transparency here and that Australians are satisfied that every member and senator is constitutionally eligible to sit in the Parliament.

The responsibility for satisfying that requirement of course falls on the shoulders of each and every member of the House and member of the Senate.

So what I've proposed here and as you know, I took this to Cabinet yesterday, and the proposed resolution that we're going to put to the House and the Senate and I'll discuss with Bill Shorten tomorrow is one that would require people to declare that they are to the best of their knowledge and belief, they are not a citizen of any other country, to state where their parents were born, the date of their birth and if they were a citizen at some point, of another country, for example they were born overseas, to state how that other citizenship came to an end and provide evidence that it came to an end.

**FRAN KELLY:**

And why do you think that is going to be good enough, voluntary disclosure, because-

**PRIME MINISTER:**

Well, what's the alternative?

**FRAN KELLY:**

Well, let me just put this to you first-

**PRIME MINISTER:**

No, no first tell me what is the alternative?

**FRAN KELLY:**

John Alexander did not disclose his possible dual-citizenship. Stephen Parry advised Cabinet colleagues but was told to keep quiet. We spoke to Andrew Wilkie yesterday-

**PRIME MINISTER:**

Well I-

**FRAN KELLY:**

I just want – if you could listen to what Andrew Wilkie had to say.

**PRIME MINISTER:**

Yeah okay. I'll listen carefully.

**FRAN KELLY:**

Because he thinks you've gone a long way towards it but not far enough.

**PRIME MINISTER:**

Okay, I'll listen carefully.

**FRAN KELLY:**

This is what he said.

**ANDREW WILKIE MP – RECORDING:**

Regrettably, I don't have confidence in all members and senators to be fully open and transparent and honest. No, I don't think we can have confidence that all members and senators would be honest when it comes to this process.

**FRAN KELLY:**

So, Andrew Wilkie doesn't trust his colleagues to fess up. Why should anyone else?

**PRIME MINISTER:**

I think the reality is that you're going to be required to state where your parents were born and the date of their birth. That is something that should be within the knowledge – I mean there will be some people who won't know by the way but the vast majority will know that – that's something that is pretty hard to, conceal, you know. Most people's ancestry can be readily found. I mean, there is no information in that form, if you like, relating to me, that is not already in the public domain. That would apply to many people.

So I think the point Andrew Wilkie is making, he may as well call for an audit of all members' interests. You know how we have to file a register of our financial interests? From time to time people make mistakes and have to correct and so forth. Well, if you were to audit that, that would cost tens of millions of dollars. If you are going to be in a position where you say you do not trust anything any member of Parliament says in their disclosures, then an auditing process would be, you would literally be creating a huge audit office.

I think the system of voluntary disclosure with obviously very heavy penalties, political penalties and personal reputational penalties if people conceal things or don't disclose things honestly; I think that works and I

think it will work well here.

**FRAN KELLY:**

You said yesterday that you had been assured by the Liberal Party Federal Director, Andrew Hirst that all Liberal parliamentarians believe they have complied with the Constitution.

**PRIME MINISTER:**

Yes, that's true.

**FRAN KELLY:**

Then we have got the John Alexander revelation. Were you surprised that John Alexander hadn't been prompted to check his citizenship given the whole debate on that?

**PRIME MINISTER:**

Well, John Alexander – again I don't want to get into the details of any particular case – but John Alexander has stated publicly and this is what he said to the Party, that he believes he is not a dual-citizen.

**FRAN KELLY:**

Well, they all believed that. Barnaby Joyce believed that. Fiona Nash believed that.

**PRIME MINISTER:**

Well, Fran that's why we're going to have the public disclosure, complete transparency and then people will be able to judge. If the Parliament concludes, if after all of this information is out there, if the Parliament concludes that so many members and so many senators are either not solely Australian citizens or there is sufficient doubt about it, then they can be referred to the High Court.

Because the High Court is the only place that can determine the qualification of someone to sit in the Parliament. So this is consistent with the rule of law. It's consistent with our Constitution. It's consistent with transparency.

**FRAN KELLY:**

If the Parliament concludes, if the High Court concludes that, you lose your majority on the floor of the Parliament. Then what do we do?

**PRIME MINISTER:**

Well Fran, it depends what the High Court concludes. I mean you're jumping way ahead.

**FRAN KELLY:**

No you yourself said there would be line-ball decisions and you just said: "If the High Court concludes." Well, if it does?

**PRIME MINISTER:**

Okay, if the High Court concluded there are a number of members of the House of Representatives that were not eligible to sit in the Parliament, then there would be a series of by-elections. Depending on the result of the by-elections, that could have consequences for the government. I mean that's obvious.

But the issue here, the issue here is not sort of political partisanship or political tactics. The issue here is now that we have the High Court's decision, which was not what we expected or had sought, it is a very, very severely literal reading of the section, which has gone in a different direction to the way in which the court had been were progressing back in 92' in *Sykes v Cleary*. Nonetheless, it's a 7-0 decision. That's the law. So now that we know what the law is, what we need to do is make sure that everyone is in compliance with it.

**FRAN KELLY:**

And now that we know what the law is – let's stick with John Alexander for a moment – because it looks as though, under the law, he will be a dual-citizen of Britain by descent, unless he can find papers to say otherwise. If he can't, even though he says he believes he's not, will the government refer John Alexander to the High Court?

**PRIME MINISTER:**

Fran, I am not going to start front-running this process. You have got to – and when I say 'you', all of us – all of us have to respect the process that's set up in the *Electoral Act* and in the Constitution. People should make their declarations and then cases can be referred.

Obviously, if a member believes that they are a dual-citizen now and are ineligible to sit in the Parliament, then they should resign. But you know, I take it as a given that every member of the House and the Senate, as of today, believes that they are eligible to sit in the House or the Senate.

**FRAN KELLY:**

Have we got a bigger issue here, as Craig Laundry and other Liberal MPs calling for perhaps to think about perhaps a referendum or something to change this? Because dual-citizenship should be celebrated in our society, not demonised.

**PRIME MINISTER:**

Yes, okay, thank you. There are two issues here, or two bundles of issues. The first one is dealing with the Parliament as it is – the 45th Parliament.

Are there members of senators that are not qualified to sit there?



The process that I have laid out, I believe, will enable us to reach a determination there.

The second question is what do we do with the future? What do we do with Section 44(1)?

Now, what we argued for in the High Court, which was our advice as to where the court was going to go, was that a foreign citizenship by descent, through your father or mother or whatever, would not disqualify you, should not disqualify you, unless you had acknowledged, accepted or acquiesced in it. So if you had-

**FRAN KELLY:**

Yeah and the court rejected that.

**PRIME MINISTER:**

I think that accords with what common sense and what people would understand as being fair.

Now, the court's taken a strictly literal approach and said knowledge is immaterial. What this means, of course, is that you can potentially, what concerns me, is that potentially people with multicultural backgrounds, you know, parents from different countries, different ancestry, their ability to stand for the Australian Parliament in this the most successful multicultural society in the world may be compromised because they actually can't find out for sure whether they do have the citizenship of another country.

You see, it's, you know, we've looked at cases where people have had say, in Barnaby's case, a New Zealand father. Well, that was fairly clear. In Fiona's case, a UK father, that was fairly clear. But there are a lot of other more complex cases and so, if we get into the situation where somebody is sitting in the Parliament and then somebody discovers that through some arcane law of, I don't know, some country in Europe – Bosnian law, for example – that they are arguably a citizen of Bosnia, does that mean they are turfed out of the Parliament?

Now this is the challenge.

That's why I've referred all of this, I'm going to refer all of this, to the Joint Standing Committee on Electoral Matters and we have to look at a couple of things – one, as to whether there should be changes to the Constitution proposed.

I don't think Australians would welcome – well, I think it's questionable whether Australians would welcome dual-citizens sitting in their Parliament. I mean Craig has raised that point, it's a fair one. Of course, in many countries, dual-citizenship, like the UK, is not a bar. But I think the real, I think a more direct question is, should you be disqualified by a foreign citizenship of which you have no knowledge and which you have never accepted or acknowledged which was basically the argument that we put and lost in the High Court.

**FRAN KELLY:**

That's right and that's where the court has left us.

**PRIME MINISTER:**

And, also Fran, if I can just go on, there's also another question about the nomination process and I know Mr Wilkie raised this today and I actually flagged this yesterday. I think we've got to look at how people nominate for Parliament and I think the type of disclosures that I'm proposing that sitting MP's and senators should make now, something like that should be done when people nominate.

So in other words when you nominate you should have big red letters, dual-citizenship is not allowed. Where were you parents born? Have you satisfied yourself of all these things? Really just to make sure people focus on the issue and do their homework.

**FRAN KELLY:**

Okay. Prime Minister, 8:46am, I know time is tight but I must ask you about the issues unfolding on Manus Island. Our listeners are very exercised about this, we've had a lot of texts about it.

**PRIME MINISTER:**

Of course.

**FRAN KELLY:**

It's now in the second week, this standoff. It's been declared a humanitarian disaster by the UN and others. Why hasn't Australia got involved in sorting this out? 600 men living in intolerable conditions, frightened to move.

**PRIME MINISTER:**

Well this is in Papua New Guinea as you know.

**FRAN KELLY:**

In a detention centre we built and we ran.

**PRIME MINISTER:**

It is a decision by the PNG Supreme Court that that detention centre should close and many people were calling for it to close.

There are alternative facilities available of a very high quality with food and all of the facilities and the residents at Manus, at the RPC, they are being asked to move and they should move.

**FRAN KELLY:**

And they're scared to move. Do you accept that they're scared to move?

**PRIME MINISTER:**

Well, look, I think the reality is, and this is the very sad reality of the case, Fran, is that there are some activists in Australia, including the Greens Senator Nick McKim who are basically encouraging these people not to move.

**FRAN KELLY:**

Well, we've spoken to some of these people directly about their fears.

**PRIME MINISTER:**

Well, I think that the responsible course of action is to encourage them to comply with the lawful requests and requirements of the PNG authorities.

They have been able – and, of course, as you know, we have secured an arrangement with the United States which will enable a substantial number to be resettled in the United States.

Those who have been found not to be refugees should return home to their own country.

And we're doing everything we can to ensure that they, people are resettled but they cannot come to Australia.

The consequence of that is-

**FRAN KELLY:**

No, I understand your position on that.

**PRIME MINISTER:**

Yeah well-

**FRAN KELLY:**

But, what about, you say you're doing everything you can to resettle people and the US deal is going slowly, but it is going. New Zealand has offered to take 150 refugees now. You want to delay that until the US fulfill their agreement, why?

**PRIME MINISTER:**

Well Fran, New Zealand takes 1,000 refugees a year. Last year Australian took over 20,000.

**FRAN KELLY:**

Sure, but its offering to take 150. Why don't we just say yes?

**PRIME MINISTER:**

Because it would be marketed by the people smugglers as a back door to Australia.

Let's be clear. Fran, I see you frown – look, let's be quite clear about this-

**FRAN KELLY:**

Well, there are laws put in to place to stop that.

**PRIME MINISTER:**

Everything the Greens and people on the left of the Labor Party say about this is used as marketing by the people smugglers.

I mean they are the worst criminals. And what they do is they're saying to these people: 'Don't budge, don't budge. Get lots of pictures on the Australian news, the ABC is giving it a big run'. I'm not criticizing you for covering it. But they'll say: 'It's getting a big run in the Australian media and before too long the Australian government will weaken and allow you to come to Australia'. And that will then be the big opportunity, the marketing opportunity for the people smugglers.

We can't kid ourselves.

**FRAN KELLY:**

I understand that argument but what is the difference between going to New Zealand and going to the US?

**PRIME MINISTER:**

Well because it's a lot further away, New Zealand is seen as we know from our own intelligence, New Zealand is seen as effectively part of Australia by the people smugglers.

Do you know, we have intercepted and turned back boats which were heading to New Zealand?

I mean the people smugglers, the only reason New Zealand does not have thousands of people arriving in an unauthorised way on their shores is because of our border protection policies.

New Zealand is a prime beneficiary from our strong border protection policies.

**FRAN KELLY:**

PM, you've got a plane to catch but can I just ask you quickly about the Paradise Papers? More evidence of major corporations, the world's wealthy using tax havens to minimise tax. Last year we had the Panama Papers. Your name actually got caught up in that. Not suggesting you did anything illegal or improper there. But most of these activities are legal, that's the point.

Yet tax minimisation we understand, I think you would agree, is morally wrong. What is your message to former business colleagues who believe minimising tax by whatever means possible is just good business practice?

**PRIME MINISTER:**

Well my message is that we have the toughest anti-multinational tax avoidance provisions in the world, in the diverted profits tax which imposes a heavy penalty – 40 per cent tax rate on any profits shifted off shore.

We passed landmark multinational tax avoidance legislation as you know over a year ago, and that legislation was opposed by the Labor Party. I have no idea why, but they voted against it. And that is already seeing profits by some of the big multinationals including companies like Google and so forth coming back into Australia.

So we are absolutely committed to ensuring that everybody pays their fair share of tax.

I've always paid my fair share of tax, I've always paid all the tax I'm obliged to pay and I believe all Australians, whether they're individuals or companies should do so.

And we have zero tolerance for this sort of multinational tax avoidance activity.

We've got AUSTRAC, the ATO – the Australian Taxation Office – they're all focused relentlessly on ensuring that everybody pays their tax.

We believe in lower taxes, Fran, we do, we're Liberals but we don't believe in self-help approach to tax reform.

So we want to see company tax come down, but it is compulsory and so businesses whether they're businesses or individuals have got to pay their tax. It is not optional.

**FRAN KELLY:**

Prime Minister, thank you very much for joining us.

**PRIME MINISTER:**

Thank you.

**FRAN KELLY:**

Prime Minister Malcolm Turnbull who is now on his way to New England, for the by-election. Oh your Melbourne Cup tip before you go?

**PRIME MINISTER:**

Bondi Beach.

**FRAN KELLY:**

Of course.

**PRIME MINISTER:**

Sentimental favorite.

(Laughter)

**FRAN KELLY:**

In your electorate isn't it?

**PRIME MINISTER:**

Yeah exactly.

**FRAN KELLY:**

Malcolm Turnbull thank you.

**PRIME MINISTER:**

Thank you.

**[ENDS]**

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## **Press Conference – Parliament House**

**PRIME MINISTER:**

Good afternoon.

I've just concluded a meeting of the Cabinet and after having discussed this citizenship issue over the last few days with the Speaker and the Clerk of the House and now of course with my Cabinet colleagues, I can announce that the Government will be proposing, or is proposing that both the House and the Senate should resolve on additional means of transparency and disclosure on matters relating to citizenship.

I'll go through the resolution that we propose. It's cast in terms of the House of Representatives but obviously a similar resolution will be proposed in the Senate and this is what the resolution would say.

The House resolves 1) That not later than 21 days from the date of the resolution and in respect of subsequent parliaments, within 21 days of being sworn in as a member, each member shall provide to the registrar of members interests a statement containing the following;

a) A declaration by the member that at the time the member nominated for

election to the House of Representatives, he or she was not, to the best of his or her knowledge and belief, a citizen of any country other than Australia.

b) A declaration that the member, to the best of his or her knowledge and belief, is not a citizen of any other country other than Australia.

c) So far as the member is aware, the place and date of the member's birth and citizenship, which the member held at the time of birth

d) So far as the member is aware, the place and date of the birth of the member's parents.

e) Whether to the best of the member's knowledge and belief, the member has ever been a citizen of another country and if so, which country or countries.

f) If the member has answered the previous question in the affirmative, then provide details and evidence of the time and manner in which the member's citizenship of that other country was renounced or otherwise came to an end.

And there's a provision that this information would be updated in the usual way. The registrar of member's interests shall upon the expiry of the time period for lodging the statement, provide such statements received to the Speaker who will then publish them.

What this is doing is using essentially the same process that we have for disclosure of member's interests – that's financial and pecuniary interests – which you're all familiar with – for disclosure of this information.

Now as I've said repeatedly over recent times, every member of the House and every member of the Senate has a personal obligation to ensure that they are in compliance with the Constitution. That obligation is continuing and if they have reason to believe they are not, then they should say so and take the appropriate action.

What we have seen is a concern, a legitimate concern, that there is insufficient transparency about this matter.

What this will do is ensure that the member's, or the senator's personal obligation is brought squarely to the front of their mind and that they make these disclosures. So I will be speaking to the Leader of the Opposition later today and I look forward to meeting with him later this week. I think it's very important that together with the leaders of other parties and independents, we see this as precisely what it is; an issue for the whole Parliament, for every Member of Parliament. We need to ensure, especially now the High Court has clarified the interpretation of section 44(1) of the Constitution, we need to be absolutely satisfied that every member is taking their obligations very, very solemnly and seriously and is in compliance with the Constitution.

I just want to say this is not an audit, there is no auditor. The obligation is on each member and each senator to make a full disclosure as I have repeatedly said in recent times.

So I believe this is a very important step. I look forward to reaching agreement on this with the Leader of the Opposition. I think it's important this be seen as the Parliament speaking with one voice in terms of ensuring that the public can have total confidence in the composition, or the constitutional composition of the Parliament.

**JOURNALIST:**

Prime Minister, will these declarations, will they be statutory declarations or other legally binding declarations?

**PRIME MINISTER:**

They're a declaration in exactly the same form as they are for member's interests, Phil. So I'm using the standard procedure, so if a member – for example – were to make a statement here that was incorrect or false then they would be committing a very serious breach of privilege.

**JOURNALIST:**

Prime Minister, these declarations still won't satisfy the Constitution, or might not satisfy the Constitution because the caveats are: "As far as the member or senator is aware," or "best of my knowledge and belief". In the High Court's ruling, it's obvious that whether or not you know is irrelevant. If you are, you are.

**PRIME MINISTER:**

Well I think obviously members and senators have been put very squarely on notice now. So they'll be turning their mind to their own affairs and the issues of citizenship, foreign citizenship, – let's analyse them – they really come about, in recent times in two ways.

Firstly, citizenship by descent. That is where somebody has a parent who was born in another country, had citizenship of another country and that was the case with Barnaby Joyce and Fiona Nash and others. So this obviously, would disclose the place of birth and the date of birth of the member's parents or the senator's parents.

Then there is the other case, where somebody has been a citizen of another country. This is Malcolm Roberts' case for example and there have been others and the question is; are they still a citizen of that other country, have they renounced that citizenship, did they do it effectively or at the right time? Again, so that deals with that.

So I think what this set of declarations does, is address both the cases of citizenship via descent and also the case of a prior citizenship that is either continuing or has not been properly renounced or brought to an end to by some other means.

**JOURNALIST:**

Prime Minister are you requiring documentation? One of the points that you



made is that documentation would have to be provided.

**PRIME MINISTER:**

Yeah, what we're proposing in f) which is the one relating to renunciation of citizenship, is that the member would provide details and evidence of the time and the manner in which the citizenship came to an end. So for example, if they had been a citizen of the United Kingdom they might say: "Well, I filed my notice of renunciation and I received confirmation from the Home Office at such and such a date and here it is."

Of course, there are other countries where the citizenship of a foreign country expires or is terminated upon becoming a citizen of Australia. So, they would say: "By reference to such and such a law of this other country, my citizenship expired." It's asking for an explanation.

**JOURNALIST:**

Prime Minister, how confident are you that every Liberal MP has their affairs in order and you won't lose more MPs through this process?

**PRIME MINISTER:**

Well let me just say that the Federal Director has told me that all of the Liberal Party Members believe that they are in compliance with the Constitution.

**JOURNALIST:**

Don't you need to go back to grandparents Mr Turnbull?

**PRIME MINISTER:**

Thanks Michelle I'm very glad you asked that. It's a question, really of remoteness and knowledge. I think we may find that some members will have to do quite a bit of research to determine the place and date of birth of their parents, let alone their grandparents or potentially great-grandparents.

So it's really simply trying to get a balance between what is reasonably accessible and remoteness. There is no reason other than that.

**JOURNALIST:**

But this doesn't give them necessarily constitutional protection, if you don't go back to grandparents?

**PRIME MINISTER:**

I want to be very clear about this. The only body – institution – that can determine that a member is not qualified to sit in the parliament is the High Court, okay?

And the only person that can say with complete – the person with the greatest knowledge about the facts and circumstances surrounding someone's eligibility

is obviously the member or senator concerned. That's why it's very important to stress that this is a personal responsibility on every member and senator, just as it is with financial disclosures and member's interests.

So the way I would see this working is that when this is presented, and the reason I am making this public today is because I, obviously we want to make sure people will start working on it because it can't be effective until the House or the Senate for that matter passes a resolution.

But I think it is important for people to be alert to this and start getting prepared. The people may, when they do that work, when they do that due diligence, they may come to the conclusion that they're not eligible and they may choose to resign.

**JOURNALIST:**

Prime Minister-

**PRIME MINISTER:**

Please, let me go on.

On the other hand, the circumstances that are published may be of a nature that other members say well, you may think you're eligible but I don't. And then that other member, as I've said over the last week, is able to move that a case be referred to the High Court.

This is an important step. I think this is the right step of transparency and, then, what follows from that depends upon the reaction of both the members that do the work and do the due diligence on themselves and, of course, the attitude of others.

**JOURNALIST:**

Prime Minister, you said that if any member gave false information, then that would be a serious breach of privilege-

**PRIME MINISTER:**

Privilege yeah.

**JOURNALIST:**

Would it be reasonable to assume therefore that anything to flow from that would be a reference to the High Court?

**PRIME MINISTER:**

Well clearly Mark, the reason the House would move that a particular member be referred to the High Court is because it felt that there was – they either weren't eligible or that there was sufficient doubt about it, that the High Court needed to deal with it.

A member of the House is always able to resign. If a member resigns then

there's a by-election. In the Senate there has to be a reference because it's the court that has to decide the method of replacement – which is normally a count back as we've just seen recently.

And then the AEC, as you know, comes back after the count back to the High Court as the Court of Disputed Returns and says right, we've done the count back you know, Senator 'X' replaces Senator 'Y' and the court then affirms that in the normal way.

**JOURNALIST:**

Is there a role for the Attorney-General in this process at all given that he has had quite a prominent role and the Solicitor General giving advice on Senators and Members?

**PRIME MINISTER:**

Well in the case that there's litigation – if there are references and referrals that flow from this then the Commonwealth would be represented, typically, because it's clearly a matter of clear constitutional interest and the Commonwealth would be represented by, formally by the Attorney-General but normally the Solicitor General does the appearance and the advocacy.

**JOURNALIST:**

And did he provide advice on this process?

**PRIME MINISTER:**

I have emerged from the Cabinet, so this is a Cabinet decision, which we've been discussing this morning.

Hang on, not all at once – I'll go to Katherine and then I'll work around the room.

**JOURNALIST:**

Prime Minister, does the government yet have a candidate to be Senate President in order to replace Stephen Parry?

**PRIME MINISTER:**

That is a matter for the Senate Party Room. I'm a humble member of the House of Representatives.

**JOURNALIST:**

And also is there any case that the MPs who were not validly elected, at the last federal election, repay public money that they-

**PRIME MINISTER:**

That matter is dealt with by the Special Minister of State and I'll leave that to him.

I'm just going to work around the room.

**JOURNALIST:**

Is this register going to become a permanent feature of future parliaments as well?

**PRIME MINISTER:**

Yes, yes. What we're proposing is that this information be provided not later than 21 days from the date of the resolution, which will be when the parliament – when the House sits or the Senate sits. And then, in respect of subsequent parliaments within 21 days of being sworn in as a member.

I mean there's a lot of aspects of this High Court decision that need to be worked on in respect of future elections. You know I think we have to, for example, consider whether people who nominate for parliament should not be obliged to provide information like this as part of the nomination process, even if only to make sure that they turn their minds to it. Because, you know, clearly we don't want any more people being found to be ineligible.

The High Court's decision does create some real challenges as they have said that knowledge is not material. And so the fact is that, very often people do not know and it may be that they don't know because it is very hard to know. Maybe they don't know because they haven't turned their mind to it.

So as you know, the argument we submitted to the court which was that, which was not successful, was that it was consistent with what Justice Deane said in 'Sykes v Cleary' which was that a person would only be disqualified if they had acknowledged, accepted or acquiesced to the foreign citizenship by descent.

But the court took a different, very literal reading of the section and we accept that. We've got to work with that interpretation.

**JOURNALIST:**

Prime Minister, what would the penalty be for any MP who's found to make false declarations and just to clarify the speaker once he publishes his findings, that will be made public?

**PRIME MINISTER:**

Yes sure.

Well the penalty, it's a breach, it's a contempt and the Parliament is able to impose such, I think Parliament has got a fairly free hand, as some of your historian colleagues will tell you.

But it is a – the way that we see this operating as is along the same lines as the members' interests disclosure.

Most members you would imagine would, in the future, would fill this in after

they become elected and have no need to look at it again. Whereas members' interests, there are regular changes as people's investments change and you know they receive, they go on trips and all that sort of stuff.

**JOURNALIST:**

Prime Minister, was this an exercise in barnacle removal, to use a term coined by John Howard and based on your own backbench calling for an audit, continuing that call. Should those calls now cease?

**PRIME MINISTER:**

Let me explain why I do not support an audit. And I notice that Bill Shorten hasn't called for that. He made some remarks last week which were rather confused, and look I make no criticism of him for that.

I mean I'm firm in my mind and the Cabinet's turned its mind very seriously to this and as you can see, we are presenting a well thought through transparency proposal, which is consistent with what's done with members' interests.

And what an audit involves is a third party coming in and literally investigating every member's situation. That clearly would be hugely time-consuming. The auditor – and it really would be relieving members of their responsibility.

Let's say the auditor, let's say it's a retired judge, I saw some people mention that. Let's say the retired judge concludes that a person is eligible or ineligible, it doesn't determine anything. That's just an opinion. Ultimately, it's only the court that can determine these matters, and it is the House or the Senate that must refer them.

What this is doing is putting responsibility very plainly where it resides, which is on each individual member and senator.

**JOURNALIST:**

Can I just clarify the actual process? So, people go in, they put in their declarations and you talked about the possibility of an MP or senator then saying: 'Well I think this is a bit dodgy'. It appears to be a possibility of a Coalition government ever actually deciding well as a government we're going to look at individual situations and refer it?

**PRIME MINISTER:**

You know, we actually have done. I mean we referred the – Nash, Canavan and Joyce were all referred by the government. But I mean they were situations where the relevant ministers concluded that they were dual citizens or, in the case of Canavan, there were sufficient doubt that he was, that the matter should be dealt with by the High Court.

As you know, the High Court concluded in respect of Matt Canavan that notwithstanding that he had been registered on the roll in Italy by his

mother's action because he had not made an application himself or applied for it himself, that he was not a citizen of Italy. So he wasn't disqualified.

Look, I am not, Laura, there is no question, there's no question that this decision of the court will result in some complex cases. There's no doubt about that.

But I think the best approach is always one of transparency and what we have here is a means of doing that. I think it is reasonable, it is a very reasonable approach and it's one that I hope that the opposition and other parties will support. Obviously the House and the Senate can have, well they do have different practices, but it would be good if they were as close as possible.

So we'll certainly be proposing this be passed by both houses. The Senate sits next week and the House sits later.

**JOURNALIST:**

Can I ask you a question about Adani?

**PRIME MINISTER:**

Can we just stick to citizenship today?

**JOURNALIST:**

Will you commit to refer everyone who says in their declaration that they were a foreign citizen at the date of nomination for the last election, refer all of them to the High Court?

**PRIME MINISTER:**

I don't want to make any commitment of that kind and I'll explain why, I'll explain why with a case like Sam Dastyari.

Now, I'm not making any undertakings or statements about him. Just use him as an example.

Sam Dastyari as I understand it is a citizen of Iran. He says he has done everything he can to renounce that citizenship, but has been unable to do so. This is one of the lines of reasoning that came out earlier of Sykes v Cleary in fact in '92. What do you do with somebody who is a citizen of a foreign country but that foreign country simply won't allow them to renounce their citizenship?

You know, where does it become, where does the renunciation efforts become reasonable?

So that's the sort of case where you may get a situation where somebody's – where somebody is a citizen of another country but it is not disqualifying.

But given the literal, the severity, and I don't say that in the critical

term, but the very strict literal interpretation of the court's decision, if people are foreign citizens, then unless there is a proviso of the kind I described, then they should not be sitting in the Parliament.

**JOURNALIST:**

Prime Minister, is it a matter of principle now that you have got the High Court ruling, if this process tosses up a frontbencher on either side, minister or a shadow minister, should they retain their ministries or shadow ministries or should they stand down if they're referred to the High Court?

**PRIME MINISTER:**

Well I think – let's deal with those cases, you're asking me to speculate really on a hypothesis on a hypothesis Mark, I think-

**JOURNALIST:**

Well, it is a possibility.

**PRIME MINISTER:**

Well Mark it is – I think what you have got to do is address each case as it arises.

I know – do you want to mention the minister you're talking about?

**JOURNALIST:**

I'm asking about a matter of principle, that if someone whose eligibility to sit in the Parliament is in question to the degree that the Parliament decides to refer them to the High Court, should they retain their ministry?

**PRIME MINISTER:**

I think that is a fair question. If that circumstance arises, we will consider it when it does. But I am very alert to it, I'm determined that Australians see there is full transparency and that we undertake the correct process, the legal process, the Constitutional process.

Now I will just take one more.

**JOURNALIST:**

One of the ones that is a known known, leave aside Iran, say British subjects – we've had several cases of this which I think my colleague is referring to. If you had applied before nominations closed, but had not received back from the Home Office, would you refer people who in that circumstance because the strict ruling would seem to include those-

**PRIME MINISTER:**

Chris, again, I do not want to give legal advice of the run, but there will be, there may well be a number of line ball cases and it may be that they end

up in the High Court. I'm not suggesting that any of this is without difficulty. You know, the court made its decision in the terms it did. It may well give rise to more cases. We don't know, so let's not jump ahead of ourselves. I know that's what you guys always like to do. But let's just focus on, I think it's a practical and reasonable approach, which we commend to the other parties and I look forward to discussing it with Mr Shorten shortly.

Now, just one more.

**JOURNALIST:**

Are you satisfied that Senator Barry O'Sullivan doesn't have an indirect pecuniary interest in contravention of Section 44? There was new revelations on Saturday that it looks like he does?

**PRIME MINISTER:**

Well, again, you're talking about allegations and you're talking about another part of Section 44. I think, for the purposes of today, we've got enough to discuss with Section 44(i), which is the citizenship question.

Just one more from Katharine, then I'd better run.

**JOURNALIST:**

Prime Minister, just so I'm clear, if people are making incorrect declarations, then it is a breach of privilege. What is the sanction? What punishments do you have in place?

**PRIME MINISTER:**

The Parliament has very extensive powers for breaches of privilege, quite severe powers, but it is a – look, Katharine, I think it's a – I think what you've got to recognise is that if somebody put in a statement like this and literally lied in it, it would be-

**JOURNALIST:**

They would go to jail

**PRIME MINISTER:**

Yeah, well, the political consequences alone would be very, very dramatic. I mean, clearly, if they were a citizen of another country and said they weren't, clearly the immediate consequence would be they would be out of parliament, but let's focus – look, I am sure-

**JOURNALIST:**

Subject to being referred.

**PRIME MINISTER:**



I am sure that most, you know, I'm sure that most people accept that politicians do their best to get these disclosures right, whether it's the member's interest disclosures or other things they make when they nominate.

People do make mistakes. People sometimes have mistaken beliefs about their circumstances. The important thing is to get the facts there, and this will ensure that everybody turns their mind to the issue, the important questions about, you know, where were your parents born – you know, that's the key issue in terms of citizenship by descent, the first question, and then of course if you have been a citizen – and many people have, many members were born in other countries – how did you dispose of that prior citizenship? How did you renounce it? How did it come to an end?

So this is about transparency, it's about integrity and I'm looking forward to discussing it with the Opposition and other parties and crossbenchers as well, just as I have with my colleagues and I look forward to this being adopted in both the House and the Senate.

**JOURNALIST:**

Do you want the Senate motion passed next week, if possible?

**PRIME MINISTER:**

Well, yes, I would like the Senate motion to be passed when the Senate sits and the House motion when the House sits, but I'm optimistic we can reach agreement here. I think this is a reasonable set of disclosures and declarations, a reasonable approach and it is quite consistent with the members' interest disclosure practice that has worked for many years.

**JOURNALIST:**

And it will-

**PRIME MINISTER:**

That is absolutely – this is about transparency, it is about confidence, it is about standing up for the Constitution, but as I say, the obligation to comply with the Constitution in terms of being qualified to sit in the House or the Senate is on the shoulders of each and every member and senator. It is their obligation. That's why this will be their declarations and their disclosures.

Thank you all very much.

**[ENDS]**

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# Press conference with the Right Honourable Jacinda Ardern, Prime Minister of New Zealand

**PRIME MINISTER:** Good morning and Jacinda, welcome.

**PRIME MINISTER OF NEW ZEALAND:** Thank you, thank you very much.

**PRIME MINISTER:** We've had a great meeting, a great discussion. We hit it off the first time we spoke and that friendship has developed as I knew it would. We've had some really good discussions and covered a lot of ground. But I just want to say that what is most important, is the enduring bond of friendship, partnership, of history between our two nations. We've been partners in freedom's cause, forever.

We saw that in Israel just a few days ago, at the commemorations for the Battle of Beersheba. The way in which ANZACs fought in freedom's cause there, bringing to an end the Ottoman domination of the Middle East. Jacinda it was your Governor General who represented you there, magnificently and we honoured the sacrifice of the New Zealand mounted infantry, their Light Horse. We commemorated the Charge of the Australian Light Horse. It was a moment when we could reflect on the way in which, again and again, Australians and New Zealanders, put their lives on the line and paid the ultimate price, the supreme sacrifice in freedom's cause. There at Beersheba 100 years ago and today, now, in the Middle East.

Our combined Task Group Taji has trained – this is in Iraq – has trained 26,000 Iraqi soldiers and police. To defeat, to enable them to defeat ISIL – as they are doing, as they are doing successfully – and of course then to maintain the peace. This why the scope of the Task Group's training expanded to include the police.

So it is a great history, it's a shared history, shared values, strong friendship. We're family and we have a shared future.

Now we discussed a lot of issues. We went through the TPP. We share a strong commitment to free trade and open markets. We discussed the way in which we're working together to defeat terrorism around the world and indeed to keep our people safe at home. We discussed the threats to regional security and reconfirmed our commitment to ensuring the North Korean regime is brought to its senses and stops its reckless and illegal destabilisations and threats of nuclear war. We are working very closely together in the Pacific and I want to say Jacinda, your understanding of the Pacific is second to none, from your own experience, your own life and of course your father was the [inaudible] for New Zealand.

**PRIME MINISTER OF NEW ZEALAND:** [Inaudible].

**PRIME MINISTER:** Yes, that's right. Fantastic, I can see that we'll be working very closely together there. We'll be going, both of us, to APEC and the East Asia Summit. We'll be working together there, defending our values and our agendas. I want to just finally conclude these introductory remarks by just making the point that I made with Jacinda earlier in the bilateral; you know, Australia is a much bigger economy than New Zealand and a much bigger country of course, but we have so much to learn from New Zealand.

Many of you have heard me say this before, but there are so many areas where New Zealanders, for whatever reason – John Key used to say it was because New Zealand didn't have as much money to throw around as we do, not that we have much to play with, that's for sure – but New Zealanders do a lot of things very, very efficiently. Very efficiently in terms of public administration and the way they approach a lot of their administrative issues and policy issues. So I have always been an Australian politician and an Australian Prime Minister that looks across to New Zealand as an example of good government, good administration and real innovation. I'm sure that we'll continue to learn from each other and work together under your leadership. So, welcome.

**PRIME MINISTER OF NEW ZEALAND:** Thank you Prime Minister and can I say what a pleasure it is to be here, to have been hosted at Kirribilli. I placed a special emphasis, quite deliberately on making my first visit as Prime Minister to Australia. I think it speaks to the strength of our relationship that within such a tight timeframe, we were able to make that visit happen because I believe that both of us prioritised that. So Malcolm, I thank you for that. The fact, of course, that this visit has been preceded by several conversations on the phone, I think, already laying the foundation for what I know will be a strong and genuine relationship.

It was also a priority for me to make sure that I had that opportunity to strengthen that relationship face to face before APEC, before the summit we're both heading to. To make sure that some of those conversations that we want to prioritise were being had face to face, particularly when it comes to issues like the TPP, like our shared interest as trading nations and furthering both of our own nations' causes in that regard.

It is absolutely fair to say that we are family. That's quite literal from my perspective, as I mentioned you briefly. You host several of my family members here and that'll be the case so many New Zealanders. So the depth of that relationship is important and also our ongoing advocacy on behalf of those guests is also important. I thank you for the advocacy that you've undertaken on behalf of those New Zealanders on occasion as well. Of course, that relationship goes beyond people. It speaks to investment, it speaks to trade, those are areas I hope to see us strengthen, particularly when we have our meeting in March where we will be looking for additional opportunities to again strengthen the ability for us to work together more closely and creating an even closer economy for the two of us than we already have.

Some of the issues that we have discussed today have been challenging, but I appreciate that as close friends and allies, we've been able to discuss them frankly and fully. I appreciate that.

Of course, most importantly, I have extended the invitation for the Prime Minister, for Malcolm to come and join me in some fishing. We [inaudible] in New Zealand, I'm no kayaker or paddleboarder but I can fish, so I welcome you, I welcome you to New Zealand at your next opportunity you're over there to come and go fishing.

**PRIME MINISTER:** Well thank you. Its been a great meeting and again, thanks very much for joining us today. We needed the rain, but it would have been nice if it hadn't been raining this morning. So, some questions? I think the first is from Siobahn Fogarty from the ABC.

**JOURNALIST:** Did you discuss Manus Island in your talks today? Ms Ardern, did you renew New Zealand's offer to take 150 refugees from offshore detention centres and do you believe that New Zealand has a humanitarian obligation to make this offer?

Is the treatment of the men and women on Manus and Nauru, do you believe that is morally justifiable?

As a follow up, Mr Turnbull, what was your response to any offer from Ms Ardern and if you refused it, what was your rationale?

**PRIME MINISTER OF NEW ZEALAND:** So, was that one question?

[Laughter]

**PRIME MINISTER:** I think there were some supplementaries there, yeah.

**JOURNALIST:** That is one question. That is one question.

**PRIME MINISTER OF NEW ZEALAND:** Yes, I did renew again New Zealand's offer to take 150 refugees from both Manus Island and Nauru. New Zealand holds an obligation generally, to make sure that we maintain our obligations to the United Nations to take refugees. We have set ourselves a quota that we extended to 1000 over the course of the next year. So that was the offer under which that was made and we firmly keep that on the table. It is a very genuine offer.

As I've said in New Zealand, we of course do not have the circumstances that Australia operating under, but we can also cannot ignore the human face of what Australia is dealing with as well. The offer is very genuine and absolutely remains on the table.

**PRIME MINISTER:** Well thank you very much and I want to thank Jacinda for renewing, or reconfirming the offer which was originally made by her predecessor John Key to Julia Gillard, quite some years ago.

Can I just make a few observations though about the situation with people smuggling and refugees in general. After the Labor government came into power in Australia in 2007, John Howard's strong border protection policies were altered. As a result, we saw over 50,000 unlawful arrivals and 1200 deaths at sea.

Australia's immigration policy had been outsourced to people smugglers, the worst of the worst criminals. There were 8,000 children in detention at one point, it was a catastrophe.

Rudd, as you know, was replaced by Julia Gillard and then came back briefly before an election and it was during that period that he recognised the failure of his changes to border protection policy and asylum seekers who had been intercepted were taken to Nauru and Manus.

Since then, the boats have stopped. There has not been a successful people smuggling operation directed at Australia for well over a thousand days. There no children in detention. That has been a great achievement.

Many of those people smugglers were trying to get people to New Zealand. New Zealand obviously benefits from the strong border protection policies that we have. We appreciate, as I said, the offer that has been made and restated today. Now what we are seeking to do is to ensure that there are opportunities for resettlement for the people on Manus Island and Nauru. As you know, we have an arrangement with the United States whereby a substantial number, 1250, can, subject to the United States rigorous vetting, be resettled in the United States. We are pursuing those arrangements at the moment and that is our commitment. So we want to pursue those, conclude those arrangements and then in the wake of that, obviously we can consider other ones. The priority right now is the US arrangement.

I want to emphasise that we know what the alternative looks like. Tens of thousands of unlawful arrivals and over 1,000 men, women and children drowning at sea. We have put the people smugglers out of business and we will keep them out of business.

**JOURNALIST:** Ms Ardern, would you consider making this offer directly to Papua New Guinea, keeping Australia out of the loop?

**PRIME MINISTER OF NEW ZEALAND:** No, because the offer is still under active consideration by Australia, so there's no need to do so. I absolutely understand the priority that has been placed around the offer by the agreement with the United States. Of course that agreement will lead to a substantial number of those who have refugee status, being resettled. So it's understandable that priority has been placed on that offer. Of course, from New Zealand's perspective, we want our offer to remain on the table, of course, so we can assist as much as we are able at expediting a resolution on this issue.

**PRIME MINISTER:** Can I just add that in the last year, Australia has taken through its humanitarian programme over 20,000 refugees to Australia. We have one of the largest rates of refugee acceptance through UN programs on a per capita basis, of any country in the world. So Australia is a very generous nation when it comes to refugees.

But I stress, we determine which refugees come to Australia. We will not have our immigration program, our sovereignty, our borders, outsourced to people smugglers. That's the point, that's the why we have been able to stop the

boats, keep the people smugglers out of business, stop women and children drowning at sea.

**JOURNALIST:** [Inaudible] from Fairfax in New Zealand, can I just clarify here, is the offer still on the table? Because you're not rejecting it outright. Ms Ardern, further to that, are there still concerns though [inaudible] main concerns about that offer was that reciprocal travel agreement made between New Zealand and Australia, that it would become a backdoor way into Australia for some of those refugees? And is there a way of accepting that offer without triggering a backdoor entry into Australia?

**PRIME MINISTER:** Well if that is addressed to me, I think the offer has been restated and we thank New Zealand for making that offer. We're not taking it up at this time, because of the reasons I explained earlier.

OK? I think the next one was Jonathan Lea from Ten News.

**JOURNALIST:** Thank you. Prime Minister Ardern firstly welcome and congratulations. Foreign Minister Julie Bishop said during your campaign, in her words were that she would find it very hard to build trust with those involved with allegations designed to undermine the Government of Australia. Were those comments raised today in your meeting with Prime Minister Turnbull and how would you characterise potentially any damage done by those comments?

**PRIME MINISTER OF NEW ZEALAND:** No, they weren't raised and I think that speaks to the strength of the relationship. I don't see those events of the past as being relevant to our current relationship, which as I said, has been strong.

**JOURNALIST:** Prime Minister?

**PRIME MINISTER:** Yeah, I agree. We get on very well. We trust each other totally. New Zealand and Australia are as close as can be and we always will be. The fact that we are from different political traditions is irrelevant, John Howard and Helen Clarke worked very, very closely together.

Australian and New Zealand prime ministers have always walked closely together. Jacinda and I – believe, you share this view Jacinda – we've got on very well from the outset. We are very open and candid people. We've hit us off well and will continue to do so.

**PRIME MINISTER OF NEW ZEALAND:** It's our Hamilton heritage.

**PRIME MINISTER:** Yes, that's right! We'll just share – you've got a great experience as being a DJ, haven't you?

[Laughter]

**PRIME MINISTER OF NEW ZEALAND:** This did not come up during talks!

[Laughter]

**PRIME MINISTER:** I read about this and of course I made a rather feeble

attempt at rapping on a television show recently, so I don't know –

**PRIME MINISTER OF NEW ZEALAND:** This is not announcing our joint act.

[Laughter]

**PRIME MINISTER:** No, that's right, that'd empty the room. But interestingly – Jacinda was born in Hamilton in the North Island – and quite a while before you are born, my mother lived in Hamilton. She was there for a few years before she moved to the United States. So, we were having a chat about my childhood memories of Mount Pirongia and clambering over Maori Paths and eating a very large quantity of feijoas. So I think I reduced the New Zealand feijoa population quite materially in my visit.

**PRIME MINISTER OF NEW ZEALAND:** That's actually impossible.

[Laughter]

**PRIME MINISTER:** Just chipped away at it, yeah. Okay, Stephen Fitzpatrick from *the Australian*?

**JOURNALIST:** Prime Minister Turnbull given the growing number of Australians, eminent Australians expressing concern that your own Referendum Council's recommendations for substantive constitutional, for an constitutionally enshrined Voice to the Parliament, was ditched despite having broad support including from the Law Society, the New South Wales Bar Association, from former Australian of the Year Fiona Stanley. Will you reconsider your closing down of public discussion on this and perhaps even link it to the section 44 matter of MPs citizenship?

And Prime Minister Ardern, given that your country has much greater substantive Maori participation in policy making and in democratic life than Australia does, I wonder whether you've got an observation to make on this, on indeed on the broader section 44 matters, given New Zealand's direct involvement in those.

**PRIME MINISTER:** Well, you asked me? Okay I'll go first. We recognise, understand, support a stronger voice for Indigenous Australians in every aspect of Australia's government, our nation, our society.

We are proud that now we have five Indigenous Australians who are Members of the House and the Senate. In the House of course, you have the first Indigenous woman to be elected to the House Linda Burney and on our side, Ken Wyatt, the first Indigenous man to be elected to the House. Indeed, the first Indigenous Australian to be Minister of a Federal Australian Government, appointed by me. Of course, we have our Senators, Malarndirri McCarthy, Pat Dodson and Jacqui Lambie as well.

Those are all Indigenous voices in our Parliament.

As you know we have a commitment to empowered communities, seeking stronger Aboriginal voices throughout our community. What the Referendum Council recommended, is that there should be a national, elected representative

assembly of Aboriginal and Torres Strait Islanders, which would be, it was said, an advisory group to the Federal Parliament and it would be entrenched in the constitution.

Now, the reality is and no detail was provided as to how these should be chosen, or how it should be elected or anything. That was literally a general proposition.

Our view, the view of the Government's, is that it is not a model that is desirable. The reason for that is that our national representative institutions are based on the proposition that they are open to every Australian. Of course, we want to see more Indigenous Australians elected to the House and the Senate.

But to have a national representative assembly, which is what we are talking about here, which would be in the Constitution and to which only Aboriginal and Torres Strait Islanders could be elected, this is contrary to the principles of equality of citizenship in Australia. It's contrary to that and it would inevitably be seen as a third chamber. Now I know that is contested. But it would inevitably be seen as a third chamber of Parliament. Moreover it would have, in our judgement, no prospect at all of being successful in a referendum.

So, we believe it is important to focus on, to deliver recognition, to focus on things that are achievable. The Referendum Council's recommendation of this, a national representative assembly, elected assembly, I wouldn't say it came completely out of left field, but it was not consistent with all of the work that had been done on the recognition agenda previously.

So, I think that it's important for the Government to state its view on both the desirability and achievability of that proposal; I have just restated what I said previously, but absolutely committed to a stronger and more empowered Aboriginal and Torres Strait Islander voices. But above all, actually in the Parliament, elected to the Parliament, like Ken, Linda and Pat and Malarndirri and Jacqui in the Parliament, the Australian Parliament. Our First Australians joining all the other Australians in the Parliament on the basis of the equal rights of Australian citizens.

**JOURNALIST:** So I guess the Referendum Council's efforts was just a total waste of time, was it?

**PRIME MINISTER:** I don't comment on that. That proposal that was made, that particular proposal is not one – look, let me put this to you; you don't respect people by telling them what they want to hear or by kicking ideas you think have no merit off into the long grass, or into a Committee.

You've got to be fair dinkum, you've got to be forthright. What I have said to you about that particular proposal, is consistent with the values and principles of our nation, which is that all Australians – every single Australian whether they are a First Australian, whose forebears have been here for 60,000 years or whether they've just got their citizenship at a ceremony last week – every single Australian has the same right to vote and



stand for and serve in our Parliament.

Our national representative assemblies are our Parliament, our House and our Senate. Every Australian can aspire to that and that is critically important.

We want to see more Indigenous Australians elected to the Parliament and of course we have. We have seen that. That is the great outcome and we want to see – and I'm very confident we will – see more of that.

**PRIME MINISTER OF NEW ZEALAND:** It's obviously not for me to comment on our friend and ally's domestic politics. But of course, I can only reflect on New Zealand's experience, New Zealand's domestic laws in that regard. New Zealand is unique in the fact that we have, applicable to us, several Maori-distinct seats that overlay our electorates. In part, that has certainly made a significant difference to representation in New Zealand Parliament.

But as have different individual political parties focused on representation in our Parliament. So I am proud that a quarter of our Caucus are now made up of Maori representatives. Fantastic representatives who will absolutely serve our party and New Zealand well.

When it comes to your question more generally about the citizenship issue, I would contend that that actually has absolutely nothing to do with New Zealand and nor has it had ever had anything to do with New Zealand.

**PRIME MINISTER:** Very good. Well, that's all? Thank you all very much.

**JOURNALIST:** Prime Minister just a question just about President Trump's tour of Asia? How big a test will this be for him and what will you be discussing with him in your meeting?

**PRIME MINISTER:** Well, just in terms of the discussions that I'll be having with President Trump, they will cover the full range of issues. National security, the battle against ISIL globally, counter-terrorism and of course our economic and trade agendas. So we've had a number of discussions and meetings, as you know, we will have a full agenda.

Now, you had one for Jacinda.

**JOURNALIST:** [Inaudible] both your countries' largest trading partner China. There is APEC summit and also ASEAN will be happening soon. President Xi will second term in Government, have you both discuss about this matter and how does [inaudible]?

**PRIME MINISTER OF NEW ZEALAND:** Of course when you discuss regional politics, it's inevitable that you have a discussion around all of our partnerships and all of the important relationships that we have. Obviously I can speak to New Zealand's relationship with China, incredibly important. I personally look forward to strengthening those in my new role as Prime Minister. APEC provides an opportunity for me to do that. So I will personally be undertaking that when I –

**JOURNALIST:** Do you have a plan to organize a meeting at APEC, first time

meeting with President Xi?

**PRIME MINISTER OF NEW ZEALAND:** As you'd understand, sometimes those bilaterals take a little bit of time to tie down. Certainly if the opportunity arises, I will have one.

**PRIME MINISTER:** Very good, thank you very much.

**JOURNALIST:** We have some New Zealand questions?

**PRIME MINISTER OF NEW ZEALAND:** I think they've only had one.

**PRIME MINISTER:** Yeah that's right, let's have a couple of New Zealand only questions.

**JOURNALIST:** Prime Minister Turnbull –

**PRIME MINISTER:** Let's have a bit of Trans-Tasman equity. No, you had your hand up?

**JOURNALIST:** Yeah on the TPP, you've seen the changes that the New Zealand Government would like to make to the TPP, do think they can succeed and do you think that the TPP partners will go along with New Zealand continuing to be part of the TPP, with those changes?

**PRIME MINISTER:** Well, I'll leave that to my New Zealand counterpart, to answer.

**PRIME MINISTER OF NEW ZEALAND:** Obviously we continue to advocate strongly around ISDS causes, something I made very clear domestically and something I think the population would want us to pursue, to ensure we are protecting New Zealand's domestic best interests.

At the same time we've also said we want to pursue the best interests of our exporters. There's no denying the TPP provides distinct opportunities, particularly in the arrangement with Japan. But at this stage, that will not stop us from pursuing the ISDS clauses as far as we are able.

**PRIME MINISTER:** We're very committed to the TPP. I gave quite lengthy speech about trade and the TPP in Perth yesterday and I won't repeat it today. But free trade and open markets are absolutely key priorities.

**PRIME MINISTER OF NEW ZEALAND:** Can I just add on that, obviously we have discussed a side letter between New Zealand and Australia on ISDS clauses which is something that we see as being mutually beneficial. So that acknowledges of course, our positioning on ISDS, at least between each other, but as they say, New Zealand will continue to pursue that going into APEC as well. I don't want to pre-determine the outcome.

**JOURNALIST:** My question is for Prime Minister Turnbull. The New Zealand Labour Party has been critical the past of Australia's Government's treatment of Kiwi citizens, particularly over deportations of Kiwis from Australia and the proposals to increase tertiary fees. Prime Minister Ardern has said she

would retaliate if some of those changes went through, what would that do to the Trans Tasman relationship and does it make you reconsider those policies?

**PRIME MINISTER:** Well, we are committed to our policies and as you know, I understand the criticism that we have seen on the other side of the Tasman. But I think that just as we respect New Zealand's right to manage its affairs and determine its university arrangements as it sees fit, I know that New Zealand respects our right to do the same.

**JOURNALIST:** Does that mean you're not concerned about a tit-for-tat war over rights in your respective countries?

**PRIME MINISTER:** No, that means that we respect each other's rights to lead and govern our own nations.

Thank you very much.

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## [\\$207 million for Nulka upgrade program](#)

The Turnbull Government will strengthen the Australian Defence Force's anti-ship missile defence capability with a \$207 million boost to the Nulka program.

Nulka is a rocket propelled active missile decoy designed to entice hostile radio frequency guided anti-ship missiles away from a ship.

Nulka has been protecting Australia's major surface fleet units since its development and this upgrade will ensure the system remains at the cutting edge into the future.

Nulka will continue to be upgraded over the coming decades to keep pace with anti-ship missile technologies and ensure our sailors have the best available protection at sea.

The Nulka program is one of our nation's largest and most successful defence exports generating approximately \$50 million a year in export revenue. The upgrading of the launcher is expected to generate further export opportunities for our Australian defence industry.

Nulka was devised by Defence scientists and developed in Australia by BAE Systems and is a great success story for Defence and Australian Industry working together.

This significant investment will continue Australia's investment in the program and maintain 72 jobs annually across the country.

The upgraded Nulka system will be installed in all Royal Australian Navy frigates and Hobart class destroyers and introduced for the first time on the

Canberra Class Landing Helicopter Docks.

The Turnbull Government's focus and continued investment in the Australian Defence Industry not only keeps all Australians safe but is creating new advanced manufacturing jobs. We are developing the technology here and we are making it here.

The investment of \$207 million to upgrade the Nulka system will occur over the next 20 years.