



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE
PROOF
ADJOURNMENT
Asylum Seekers
SPEECH

Tuesday, 16 June 2015

BY AUTHORITY OF THE SENATE

SPEECH

<p>Date Tuesday, 16 June 2015 Page 94 Questioner Speaker Lambie, Sen Jacqui</p>	<p>Source Senate Proof Yes Responder Question No.</p>
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Senator LAMBIE (Tasmania) (19:42): It has become apparent that we have a Prime Minister and cabinet ministers who think that they are above the law. By his own disclosures, the Australian Prime Minister could be a party to people trafficking, because he authorised payment of \$30,000 to people smugglers—international criminals—to take asylum seekers to Indonesia. There is the possibility that, because we have a Prime Minister and cabinet ministers who think they are above the law and refuse to answer questions in parliament, it may take a change of government and a royal commission for Mr Abbott and his Liberal Party friends to explain under oath to a judge why we should not view those who have assisted murderers, rapists and human rights abusers as criminals.

Senator Fawcett: On a point of order, Mr Acting Deputy President. There is clear imputation on the character of the Prime Minister and accusations that are not borne out.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Lambie, you may wish to reconsider those remarks.

Senator LAMBIE: Of course, I am referring to people smugglers who have no right to an assumption of innocence and who are murderers, rapists and human rights abusers until they prove their virtue. So if the world understands that people smugglers are vile criminals, why is our Prime Minister giving them cash and why are we not holding these criminals and their associates to account for their actions?

Senator O'SULLIVAN: Through you, Mr Acting Deputy President, the senator has to be very careful with these comments. These are allegations to which the Prime Minister has responded. They are imputations on his reputation. I would ask her to pay attention to her phrasing.

The ACTING DEPUTY PRESIDENT: Senator Lambie, the President has met with the temporary chairs and has suggested that we be vigilant against any imputations against any senator or member of the parliament. I would ask that you recognise that.

Senator LAMBIE: Australia and, indeed, the world must deal with people smugglers in a different manner. People smugglers are international criminals who should be taken before the International Criminal Court and held to account for their human rights abuses and crimes. If we are going to pay money to anyone, it should be to boost the resources and reach of the International Criminal Court. People smugglers, their accomplices—including government officials and politicians—wherever they live in this world should fear the ICC and the penalties of the ICC can impose on them.

If it is found that the International Criminal Court does not have the physical capability or the legislative power to investigate, put on trial and put in jail people smugglers then it is up to the countries of the United Nations to take action. Australia should take the lead on this issue and restore our nation's integrity. Our foreign minister should make a speech to the UN calling for a policy of accountability and justice when it comes to people smugglers. She should not be part of a plan which bribes with Australian cash international criminals who smuggle, murder, rape and abuse asylum seekers.

Our Prime Minister has also bungled proposals to take citizenship from terrorists. If the PM's plan to strip citizenship from Australian terrorists and their supporters is passed and made law then it is likely that it would be doomed by a High Court challenge. Australia does not need to be put through this political confusion and constitutional heartache, because the solution is simple. On 6 June I made a very public statement where I indicated that we could amend the existing laws on sedition and treason so that the penalty for those found guilty of fighting for or supporting our enemies allows for a judge or jury, as opposed to a politician, to strip them of their Australian citizenship should they hold a second citizenship. It is a position, I note, which was supported

by barrister and communications minister Malcolm Turnbull. This amendment fixes the problem of breaching article 15 of the Universal Declaration on Human Rights, which says:

No one shall be arbitrarily deprived of his nationality ...

A politician depriving Australians of their nationalities is an arbitrary act; a court doing the same, after going through due process, is not an arbitrary act.

While we are strengthening the laws on sedition and treason, let's also increase the maximum penalty for sedition from seven years to life in jail. In addition, those Islamic terrorists found guilty of treason and who have killed during their attacks on Australia should also qualify for the death sentence. Imagine if Man Haron Monis had survived the Sydney Lindt cafe attack. Should an Australian jury have had the option of sentencing the traitor and murderer to death? Absolutely.