



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**  
**QUESTIONS WITHOUT NOTICE**

**Constitution**

**QUESTION**

**Tuesday, 2 September 2014**

BY AUTHORITY OF THE SENATE

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## QUESTION

**Date** Tuesday, 2 September 2014  
**Page** 6178  
**Questioner** Lambie, Sen Jacqui  
**Speaker**

**Source** Senate  
**Proof** No  
**Responder** Brandis, Sen George  
**Question No.**

### Constitution

#### Constitution

**Senator LAMBIE** (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (14:51): My question is for the Attorney-General, Senator Brandis. I refer the Attorney-General to section 44(i) of the Constitution, as shown on page 6 of the Senate pocket procedures guide, which indicates that, if at the time of nomination a Senate candidate formally or informally acknowledges allegiance, obedience or adherence to a foreign power and fails to revoke that allegiance, their nomination can be disqualified. Does the Attorney-General agree that, in order to ensure that people elected to this parliament are not disqualified, they give an undertaking to oppose sharia law?

**Senator BRANDIS** ( Queensland — Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General ) ( 14:52 ): Senator Lambie, I am familiar with the provisions of the Constitution. I am familiar with the provisions of section 44. Section 44, as it has been interpreted by the High Court and explained on a number of occasions, is in relation to allegiance to a nation-state. It does not speak about adhesion to a particular religious belief. The issue of sharia law, I know, is an issue that has exercised and concerned a number of people. There have been many things said about it. But, on the basis of the authorities in the High Court, I do not believe that the issue of adherence to religious customs or practices has anything to do with adhesion or allegiance to a foreign state.

**Senator LAMBIE** (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (14:51): Mr President, I ask a supplementary question. Does the Attorney-General agree that support of the extremist sharia law could indicate formal or informal acknowledgement of allegiance, obedience or adherence to a foreign power or country other than Australia?

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:53): The government and, I am sure, all senators, condemn extremism in all its forms. We condemn extremism in the name of any particular

faith or cause or doctrine. One of the reasons the government has moved swiftly to reform the laws that protect Australians from terrorism is that we are determined to ensure that our laws are sufficient and fit for purpose to deal with extremism. Now, Senator Lambie, as I am sure you are aware, there is a variety of different interpretations of sharia law. There is a variety of interpretations, from what might be regarded as extreme to what would not be regarded as extreme. I would not say, Senator Lambie, that section 44 of the Constitution bears on that issue.

**Senator LAMBIE** (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (14:54): Mr President, I ask a further supplementary question. Given that support for sharia law could disqualify a candidate from running for the Senate and could indicate formal or informal acknowledgement, allegiance, obedience or adherence to a foreign power, can the Attorney-General detail to the Senate reasons why Australia should accept sharia law supporters and proponents as citizens who have the right to vote.

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:55): Senator Lambie, with all due respect, the premise of your question is based on a proposition that I have just told you is wrong. The issue of adherence to sharia and the issue of citizenship, or adherence or allegiance with a foreign power, are different issues—at least, that is the way the High Court would see it. As I say, Senator, and I am sure you share my view about this, the government condemns extremism in all its forms. If that extremism is practiced or proselytised in the name of any orthodoxy or religion or form of law, we condemn it unconditionally. We do not condemn any particular religion. What we condemn is the pretext of religion to cloak or mask or justify extremism, terrorism and violence. Any Australian citizen who engages in that form of activity breaches Australian law.