

INTERVIEW WITH NEIL MITCHELL, 3AW

07 June 2017

Prime Minister

Subjects:

London attack, Melbourne attack, Parole laws, Counter-terrorism laws

E&OE

NEIL MITCHELL:

Good morning Prime Minister.

PRIME MINISTER:

Good morning Neil.

NEIL MITCHELL:

Prime Minister, first two Australians confirmed dead in the London attack, a very brave young woman too, one of them. Kirsty Boden, her family have released her name, 28. She ran towards the danger. Another person confirmed a short time ago but no name yet. Are there still more Australians unaccounted for?

PRIME MINISTER:

As far as we're aware Neil, all the Australians are accounted for. As you know, there are two Australians were injured, physically injured, but not killed. We have been in touch with the families of the two young women that you mentioned, Kirsty Boden and Sara Zelenak. Kirsty Boden's family has released a statement confirming her death. We've been very assiduous in working with the families and taking care to respect their privacy. Now the British authorities have not yet formally advised, the coroner has not yet formally advised, of the deaths of either of those young women and their families are either in the UK now or are on their way there. So we've been very respectful of the families and we've been in very close touch with them.

But you're right, Kirsty Boden was a young nurse who went to help victims of the attack and tragically has been killed by these cowardly, vicious terrorists. Sara Zelenak is a young Australian 21-year-old who was working in London, an au pair, whose circumstances have been the subject of very grave concern, as we've discussed.

NEIL MITCHELL:

Have you spoken to the families or sent them a message?

PRIME MINISTER:

I have spoken to both the families in respect, both Kirsty Boden's family and Sara Zelenak's family, yes I have.

NEIL MITCHELL:

What do you say?

PRIME MINISTER:

Well look, it's a private conversation. But it's heart-rending Neil. I mean I'm a father, as I suppose most of us men are, fathers, of a certain age. Kirsty or Sara could be one of my kids. It could be one of your kids. You know, this is heart-rending. This is the last thing that anybody expects to happen to their children when they're in London.

I mean, we are facing a global threat, this Islamist terrorism. It is a disease and it is corrupting, seeking to destroy from within the Islamic religion and of course, lashing out to destroy and undermine our way of life. We are heartbroken by these terrible crimes and this terrible loss. Talking to mothers who have lost their children is heartbreaking, but we must be resolute Neil. We must not – you have seen in Melbourne, you know, Mr Hao, Kai Hao, a

dad. He has been killed by a terrorist in our own, in your city in Melbourne, in Australia. This again is a heartbreaking crime.

NEIL MITCHELL:

Well let's get to what we do about that. Our Premier has said today he may be willing to give some parole powers to the Federal government where parole involves people on terrorism watch lists. Do you want that power?

PRIME MINISTER:

We certainly want to make sure that people like Khayre are not released on parole. We're going to have a very serious discussion about this at COAG on Friday. Let's be clear about what we know Neil, I don't want to make this a partisan or a political issue. This is a question of national leadership and national responsibility.

What we know about Khayre is that he had terrorist connections. As you said, I heard you say in the intro, he trained overseas with a terrorist organisation. He had been charged with a terrorist offence, he had been acquitted but he clearly had terrorist associations and connections. Added to that, he had a long record of offences of violence. A very long record, consistently. Now that combination of a history of violence, a clear propensity to violence, a propensity to criminality and connections with extremism, that is a very toxic combination. It is apparent in many of these terrorist offenders that they, obviously, if they've got that extremist motivation and they have a propensity to violence, they're more likely to commit an offence of this kind.

NEIL MITCHELL:

This man though was convicted of serious crime, but he was a crook. He wasn't convicted of terrorism. Do you want to change the law, or the system, whereby a person suspected of terrorism leniency, or tendencies as he was, is kept in custody? Because he only had a year to serve, he only had a year left. Do you want to change the system for these people?

PRIME MINISTER:

Well I think you'll find he had several years left actually, but you'll have the Chairman of the Parole Board on who can provide all the details.

NEIL MITCHELL:

Yep.

PRIME MINISTER:

Neil, what I want to make sure is that people with these characteristics – with a history of violence, a connection with extremism – that that is taken into account and they should not be let out on parole unless, you know, unless the decision is taken at the highest level.

NEIL MITCHELL:

But it would be taken into account, even the acquittal goes before the Parole Board, the acquittal on the terrorism charges.

PRIME MINISTER:

Well if -

NEIL MITCHELL:

Will you change the law? Do you want to change the law so that people like this are kept in jail?

PRIME MINISTER:

Neil again, I'm going to discuss this with the Premiers. It's important to take all of their views into account. But I would say that at the very least, a decision to grant parole to a person with this background, with this combination of violence and associations with

terrorism, or terrorists or extremists, that is a decision that should have to go to the very top. In other words, to go to the Attorney-General.

NEIL MITCHELL:

What? The Attorney-General should make a decision on parole?

PRIME MINISTER:

Well, the Attorney-General makes decision in the Commonwealth sphere. The Attorney-General ultimately makes decisions on parole.

NEIL MITCHELL:

Okay.

PRIME MINISTER:

See what has happened is, and look I can understand this, in most states you have a parole board - and the judge that you'll have will come on, who is chairman of the board, will explain how it operates - but you do have a very real issue about public safety and we of course, we've got to do everything we can to support rehabilitation and so forth, we understand that but the primary responsibility of every government - federal, state, territory - is to protect the public. That's my point.

NEIL MITCHELL:

Okay. Should in these cases, reports from ASIO and other security agencies, be made available to the parole board?

PRIME MINISTER:

Well, Neil, again, I don't want to comment on what material-

NEIL MITCHELL:

But we've got these-

PRIME MINISTER:

Neil, I don't think -

NEIL MITCHELL:

We've got people on watch lists. We've got this watch-list of 3,000 people in Victoria, some of whom may be able to get to parole. I don't know, we don't know who they are. Should they be treated differently? If you're on a terrorism watch-list and you come up for parole, surely, surely somebody should say to the parole board this blokes on a terrorism watch list? Here's an ASIO report. Does that happen?

PRIME MINISTER:

Neil, I can't confirm what ASIO material was available.

NEIL MITCHELL:

Well other security agencies? Federal police?

PRIME MINISTER:

Neil, this man's association with terrorism was well known. It was publicly known. You didn't need the ASIO advice on it. It was publicly known.

NEIL MITCHELL:

No, no, no, I understand that but I'm going beyond his case. I'm talking about 3,000 people in Victoria on a watch-list. Should there be a different level of proof for them to get parole or indeed any sort of treatment? Should they be treated differently if they're on a watch-list?

PRIME MINISTER:

People that are associated, where there is a known risk or association with terrorists or extremist activities, that should be taken into account. It absolutely should be. I think people with - the question I'll be putting to the Premiers is this -and again, please understand that

we have got to have, this is a big issue of responsibility and leadership - and my question to the premiers is, and my question to Dan Andrews is; how did somebody with such a record of criminality and violence and a known association with violent extremism, get parole?

NEIL MITCHELL:

Okay.

PRIME MINISTER:

The point is, one way of ensuring that real responsibility is taken is that where there is that combination, that decision should be ultimately taken, no doubt with a recommendation and advice, but should ultimately be taken by the Attorney-General.

NEIL MITCHELL:

Okay. I'll play you what the Premier had to say in response to that. This is on the *Sunrise* program this morning. Daniel Andrews:

PREMIER OF VICTORIA – RECORDING:

Where someone is on the terror watch-list, in order for them to get parole, then we need to have ASIO and the Australian Federal Police directly involved in that decision. Not providing advice or commentary and not providing advice at a distance, but instead being directly involved, directly involved as a decision maker. We'd even go so far as to take the extraordinary step of referring our states' authority over parole for those that are on the terror watch-list to the Commonwealth Government.

NEIL MITCHELL:

Would you take that authority?

PRIME MINISTER:

Look, I'm certainly prepared to discuss it with the Premier. but what he's really saying is that he's not, I mean he's proposing to abdicate responsibility for the safety of Victorians to the federal government. You know I have to say, that the Premier of, I think Victorians would expect the Premier of Victoria to say that the decision to grant parole to a prisoner in a Victorian jail on a Victorian criminal offence, should be taken by the Victorian Government. Now, of course, it can seek advice and information from other agencies but I think many Victorians would be shaking their heads at the prospect that the Victorian Premier wants to abdicate his responsibility as leader of the Government of Victoria. But nonetheless, we will, he is one of six Premiers and we will be discussing it on Friday. But the important thing is, the important thing I want your listeners to know Neil, is that my focus is absolutely, resolutely laser-like on protecting them.

NEIL MITCHELL:

Well, yes, but you haven't got an answer on how. Whether you take responsibility or whether we involve the security agencies. Whether we have a different level of responsibility of proof on people who are suspected of terrorism. I mean, Theresa May says zero tolerance, says we've been too tolerant. Do we need, as Jim Molan suggested, a terror court? Do we need a whole different way of dealing with these people? We've got 30 ex-fighters walking the streets because we haven't got the level of proof to lock them up. Do we change that?

PRIME MINISTER:

Well, Neil, you've asked a whole lot of questions there.

NEIL MITCHELL:

Yes I have.

PRIME MINISTER:

I think the first thing that you've got to do is have real responsibility taken. You see where you have got-

NEIL MITCHELL:

Well whose responsibility is it?

PRIME MINISTER:

Well the responsibility for releasing somebody on parole is the responsibility of the government who has the person in custody.

NEIL MITCHELL:

But this is my point, do we have to change the rules? Because this man was entitled to parole. This man, up until the moment he cut off his ankle device, was entitled to be out there.

PRIME MINISTER:

Well he was only, he was entitled to be there because the parole board had made the decision to let him out. It was a question of judgment.

Now the point I'm making is that one of the things I want the Premiers to consider is when you have somebody who is in jail, who has a history of violence and has known association or connection with terrorists, or extremist activities - and this person Kharye absolutely did, there is no question about that, that was public knowledge, you didn't an ASIO briefing to know about that - in those circumstances the responsible, the decision should be taken by the highest level in the relevant government and that, in that case would be the Attorney-General of the State of Victoria. The Parole Board could certainly make a recommendation and provide advice. But ultimately the buck has to stop with the elected ministers, with the government.

You see you can outsource a lot of decisions and advice and so forth in government, but I believe where you've got this case, these cases where people that have got that combination of violence, plus terrorism associations, that is a very toxic combination, as we've seen in so many cases.

NEIL MITCHELL:

Alright - well where does the responsibility lie for the 30 former ISIS fighters that are on the streets of Australia?

PRIME MINISTER:

The responsibility for those is obviously on all of our law enforcement agencies -

NEIL MITCHELL:

Why aren't they locked up?

PRIME MINISTER:

Well if they haven't been charged Neil, it is because the authorities relevant, the relevant police, do not have sufficient evidence to charge them.

NEIL MITCHELL:

So do we need a different level of proof to deal with them? Rather than the 'beyond reasonable doubt', do we go on the balance of probabilities?

PRIME MINISTER:

Well again Neil I don't think - look, can I just say this to you? You're generalising about a whole series of people, some of whom may have been there before certain offences were established. I can assure you and I want to assure the public, that we pay the closest attention to these foreign fighters, Australian fighters in the Middle East. When they're in the Middle East we are doing our best to target them and destroy them.

NEIL MITCHELL:

But this man was on a watch-list, this man was on a watch-list. I mean what is wrong with the Jim Molan idea of a tribunal of experts, a terror court that deals with these people differently to the criminal? The normal criminal?

PRIME MINISTER:

Well I think the most important thing is to ensure that our courts make the right decisions. I mean the reality with this guy was that he was known. I mean everything -

NEIL MITCHELL:

He was on a watch-list, he was on a watch-list and I don't think anybody thought he was a serious threat but he was on a watch-list.

PRIME MINISTER:

The question is why was he on parole? Look, Neil my question was the question that every Australian was asking yesterday.

NEIL MITCHELL:

Yes.

PRIME MINISTER:

How did someone with his record get out on parole?

NEIL MITCHELL:

I would just make the point though -

PRIME MINISTER:

You know whether he was on a watch-list or not, everybody knew it was a matter of public knowledge that he had been involved in extremist activities. Yes, he had been acquitted but there was no doubt he had associations and engagement, involvement with violent extremist elements.

NEIL MITCHELL:

That's true. You're aware that our parole system here was reformed and in fact that reform has until now, has been seen as very successful. We've gone from sixty violent offences by parolees in a couple of years down to five. So the parole system has been reformed and seems to be working.

PRIME MINISTER:

Well Neil, my question yesterday was a question that every Australian was asking. I asked the question of the Premier, I've asked the question, we will discuss it at COAG. But believe me, what Australians want is results.

NEIL MITCHELL:

That's true.

PRIME MINISTER:

It's all very well to say that the parole system is this, the parole system is that. Here's the question; how did this bloke, this criminal, this violent man with a long history of violence and criminality and a long history of involvement with violent extremism and terrorism, how did he get parole?

NEIL MITCHELL:

Okay, well look at another aspect of it, would you like to make it easier - as Theresa May is saying - to deport and detain militants or former militants? Would you like to make that easier? Would you like these 30 people I keep talking about, would you like to make it easier to get those people out of the country or lock them up?

PRIME MINISTER:

Well I can assure you if they're not Australian citizens then we are able to deport them and we have been -

NEIL MITCHELL:

Would you like to make it easier to do?

PRIME MINISTER:

The laws at the moment, we are deporting many people who have committed offenses of more than 12 months imprisonment. Non-Australian citizens are able to be deported and that is-

NEIL MITCHELL:

Is that sufficient or would you like as Theresa May wants to, she says we've been too tolerant of extremism she wants to make it easier, would you agree? Would you like to make it easier in this country?

PRIME MINISTER:

Well we have the powers that we need. We constantly review them Neil, but again I can assure you we've toughened them up. We've toughened up our powers to deport people who are not Australian citizens who have committed offenses and indeed, you know, you've seen quite a few, some complaints about it particularly from our friends across the Tasman when we've been returning Kiwis who have committed offenses.

NEIL MITCHELL:

Prime Minister just finally, do we need a federal police tactical response unit at the airports? The case we had last week of the incident on the Malaysian aircraft, the Malaysian Airlines aircraft, do we need police, federal police tactical response units at the airports?

PRIME MINISTER:

We need to ensure that our levels of support at the airports are adequate and they're being constantly reviewed. I mean again Neil, can I say to you, we have in my view, the best security and police forces, intelligence services in the world. I know, I know some people like to, you know, suggest that in some respects our police are not adequate, our intelligence services are not adequate. Let's just be very clear. Since September 2014 it was our police, it was our ASIO and the AFP and VicPol and other state and territory police services, who have uncovered a dozen terrorist plots including one, as you know, just before Christmas which would have been an explosion, a bomb detonated near Federation Square in Melbourne. So the key, the most important element in our protection is good intelligence. So that is both signals intelligence you know-

NEIL MITCHELL:

Yes, I understand

PRIME MINISTER:

Telecoms and human intelligence. Finding out, identifying these plots, identifying these criminals with their propensity to do violence in advance, is important. Now with Khayre the simple fact is, known terrorist associations, known training by terrorist organisation and a long history of violence. Why was he on the streets? That's the question, and that's the one we need to have answered.

NEIL MITCHELL:

I'll pursue that later in the program, thank you for speaking with us the Prime Minister Malcolm Turnbull.

[ENDS]