



**THE HON DR CRAIG EMERSON MP**  
MINISTER FOR SMALL BUSINESS, INDEPENDENT CONTRACTORS AND  
THE SERVICE ECONOMY  
MINISTER FOR COMPETITION POLICY AND CONSUMER AFFAIRS  
MINISTER ASSISTING THE MINISTER FOR FINANCE ON  
DEREGULATION

Transcript  
Sky News AM Agenda  
16 February 2010

Ashleigh Gillon with Dr Craig Emerson and Senator George Brandis

---

*Subjects: Opinion Polls, Work Choices, Peter Garrett*

---

**GILLON:** Welcome back to AM Agenda. Let's go now to our panel of politicians joining me now, the Minister for Small Business Craig Emerson, good morning to you.

**EMERSON:** Good morning to you Ashleigh.

**GILLON:** And from Brisbane we have the Shadow Attorney General Senator George Brandis, good morning to you.

**BRANDIS:** Morning Ashleigh, morning Craig.

**EMERSON:** G'day George.

**GILLON:** Now I do want to get your reaction to these polls, the Newspoll in the Australian newspaper today. Craig Emerson I know that Ministers always tell us you don't pay attention to these polls, the only one that matters is the one on election day. We all know that you do though pay very close attention. How are you feeling about this latest set?

**EMERSON:** The polls will continue to tighten during an election year, and if you've got an opposition that's all complaints and proposing no solutions then of course they will get some support for that and that's what Tony Abbott is doing. He's indicated publicly that they will oppose just about everything that the Rudd Government does so he's probably getting some bounce in the polls as a result of that. But really, what these polls indicate is that if two or three Australians change their vote at the actual

election then Work Choices is back. Tony Abbott said “the name ‘Work Choices’ is dead” but just in the last couple of days they have confirmed that the unfair dismissal laws will go for small businesses, that individual contracts will be back and penalty rates will be gone.

**GILLON:** Craig Emerson I’m not surprised you bought up Work Choices; I do want to get to that issue a little bit later but first on these polls. We have seen Kevin Rudd drop in his satisfaction ratings. Is this because people are disappointed in Kevin Rudd or do you think it’s because Tony Abbott’s gaining traction?

**EMERSON:** As I indicated, that if you run a very negative campaign against the incumbent, against the Government, then you will likely get some bounce out of that, but we do know that the polls will tighten in an election year. They will. That’s just the reality. We’ve always expected that to be the case. We will continue to make decisions that are for the long term betterment of this nation. That’s what a government should be doing, and two weeks ago I was asked the same question and I said “Well every fortnight, I guess we’ll be asked to pick our way through the entrails of the polls”. We’ve got to get on with job of governing in the national interest. We do expect them to tighten. We have seen a very negative campaign and the issue of Work Choices is firmly back on the agenda.

**GILLON:** George Brandis, we will get back to Work Choices and let you respond to all of that shortly but just again, first on the polls. Yesterday we saw another set of polls showing that the Coalition is in front in your home state of Queensland and in Western Australia. How’s the mood among your colleagues? It must be a lot better than a few months ago?

**BRANDIS:** Well I think there’s no doubt Ashleigh that we’ve started off this Parliamentary year in pretty good shape. One doesn’t want to over-read an individual opinion poll but as Mr O’Shannessy said, what is revealing about opinion polls is trends, and the trends in news polls and the Galaxy polls and other polls as well do show a very distinct collapse in support and respect for Kevin Rudd as Prime Minister. His satisfaction’s gone down eight per cent since early December, his dissatisfaction’s gone up eight per cent, now this is across several polling cycles, and very tellingly I think for the Labor Party, a lot of the movement into dissatisfied has come from uncommitted voters. Now I think that tells us something and I think it’s something a lot of us felt over the Christmas break, and that is there’s a change in community sentiment towards Kevin Rudd in particular because people are becoming cynical about the big promises that don’t turn into action, they’re starting to realise that this is an all talk, no action Government. Now Kevin Rudd has talked a great game for two

years now, but on one issue after another, whether it be getting a handle on public hospitals, whether it be the so-called education revolution, which has been a complete failure, whether it be other issues like doing something about Aboriginal housing in the Northern Territory or doing something about taking the Japanese whalers to the International Court. There has been lots of rhetoric for two years but the Government has not delivered on anything, and even in areas where it's tried to deliver, like the insulation program, it's been a complete disaster so on the one hand people are seeing a Government that's all talk, no action and on the other hand they're seeing a Government that when it tries to deliver on a promise, like the insulation program is completely incompetent.

**GILLON:** Well the Government is starting to talk a lot about what is widely seen to be one of John Howard's key failures which is Work Choices, the unions are apparently preparing for another Work Choices-style attack on the Coalition ahead of the next election, the Government is saying that Mr Abbott wants to bring back Work Choices, does he Senator?

**BRANDIS:** No he doesn't and I'm sure we will hear...

**EMERSON:** Oh come on George...

**BRANDIS:** Excuse me Craig, can I speak please? I'm sure we'll hear this robotic and dishonest mantra again, and again, and again, and we'll see a fear campaign, but I was at the speech in Brisbane on Friday which is quoted in this morning's papers when Mr Abbott outlined his intentions in that regard and he's said, on numerous occasions, unequivocally, categorically, "Work Choices is dead", there will be no element of the Work Choices legislation in any set of policies the Liberal Party puts to the Australian people this year.

**GILLON:** Craig Emerson are you saying that George Brandis is lying? You don't seem to be believing what he has to say this morning.

**EMERSON:** I don't think George believes what he's saying. These words have come out of Tony Abbott's mouth in the last 48 hours, and Julie Bishop's, and that is that they will remove protection from unfair dismissals for around four million working Australians. They will bring back statutory individual contracts formally known as Australian Workplace Agreements and they have said that there shouldn't be penalty rates, penalty rates upon which many families depend to make ends meet. Those first two, and arguably the third, are the heart of Work Choices. Now Tony Abbott, very cleverly, when he was first elected as Opposition leader was asked by the press gallery "But isn't Work Choices dead?" and he said cleverly "The name Work Choices is dead",

and he has now outlined the agenda which constitutes the very heart of Work Choices.

**GILLON:** Well George Brandis let's go through those three points. Unfair dismissal protections, should they be abolished?

**BRANDIS:** I'm not going to go through the detail of a policy which will be put to the Australian people at the election because the appropriate time to do that is in the context of the election campaign. But I do want to make this point Ashleigh, if I may. I think we get into very dangerous territory in this country if every time a party proposes a series of measures to take pressure off small business, if the Labor Party says "Well this is a return to Work Choices and it's off the agenda". I can assure you of this, the Liberal Party will be taking to the 2010 election, a series of policies which will take the pressure off small business and make it easier for small business to give jobs to more people.

**GILLON:** But Senator, when you talk about unfair dismissal protections, weekend penalty rates and AWAs didn't voters make the decision at the last election that those ideas aren't what they liked? That they're not popular ideas?

**BRANDIS:** No coalition politician by the way, said anything about penalty rates so let's get that off the table to start...

**EMERSON:** That's not true. Julie Bishop did.

**BRANDIS:** Let's get that off the table... You asserted a moment ago Craig, that the Coalition has said we will abolish penalty rates without qualification...

**EMERSON:** You said that no politician said anything about penalty rates, Julie Bishop did George, you know that.

**BRANDIS:** No Coalition politician has said "We will abolish penalty rates", for a start. Now we will be presenting to the public a small business policy at the election which will take pressure off small business, and will make it easier for small business to employ more people and to operate with more flexibility. The details of that policy will be announced closer to the election, but let me stress once again as Tony Abbott did in Brisbane last Friday, that we accept that Work Choices went too far, we accept that it was in several respects unfair and that the Australian people have spoken on that, you will hear every attempt to take the pressure off small business characterised by the Labor Party as a return to Work Choices and that claim will be false.

**EMERSON:** Actually, Tony Abbott was a very strong advocate of Work Choices and still is. I have been in debates with him where he

said "Labor is winding back the great reform of the Howard Government in industrial relations" whose name is; Work Choices.

**GILLON:** Well it sounds like we do need to wait as we're really just speculating at the moment because we don't really have any idea what the policy will be, that the Liberals will take to the next election, so we can all look forward to that being announced in the coming months no doubt, but Minister, there are some teething problems on your side in terms of the IR changes, the Government's having to deal with some teenagers losing their jobs because of the rules dictating a minimum of three hour shifts and Julia Gillard says that's something that hasn't been fixed yet?

**EMERSON:** Julia Gillard has indicated that we are having a look at that in relation to teenagers, but she makes the point, and I agree with her, that to have a system which pre-existed where kids, or anyone, could be called into work for one hour, maybe spend an hour on the way into work, work an hour and another hour on the way home is hardly a fair system. It's hardly a fair system and that's what it was, and that's what it would be again under Tony Abbott's Work Choices coming back.

**BRANDIS:** How can you say that Craig when you don't know what the policy is?

**EMERSON:** Because I've heard Tony Abbott time and time again defend Work Choices before the election and after the election George, that's why.

**GILLON:** We are going around in circles, I think you've both made your points on that, we do have a couple of other issues to get through. The insulation row that the Government is dealing with at the moment, yesterday Mr Garrett came under fire again, he chose to go to launch a nature survey up in northern NSW instead of staying in Canberra to work through this issue. Does that signal that this isn't a priority for Mr Garrett?

**EMERSON:** It is a priority and can I say that my heart goes out to the families of those poor boys who lost their lives. I think it's a terrible, terrible tragedy. I've got a 19-year-old and a 17-year-old boy and it's so sad. It is so very sad but Peter Garrett has children too and he cares deeply about this tragedy. Yesterday's meeting was a technical meeting that was never designed, set up to include the Minister. It wasn't a decision-making meeting, and Peter Garrett has responded to the advice of his Department and been proactive. But let's not forget the tragedy of these four young men, the fact that Peter Garrett cares very deeply about that, I care very deeply about that, I think everyone does.

**GILLON:** Well Mr Garrett has now had to suspend a company called Country Wide operating under the scheme, this is a company that employed one of the young men who was killed. Apparently there's evidence showing now that this company's background was telemarketing, not insulation. We're hearing more problems about this program everyday this week.

**EMERSON:** Whenever an issue comes to light, whenever the Department provides any advice, Peter Garrett deals with that advice and has been proactive where he can be in dealing with problems that have arisen. But the fact is it's a tragedy for these mothers and fathers, brothers and sisters, boyfriends and girlfriends, it's so very sad.

**GILLON:** I think we all agree with that. Senator George Brandis, there seems to be more information coming out about this program everyday but for the moment the Prime Minister's standing by his Minister. Do you think there is more to come on this program?

**BRANDIS:** I don't know whether there's more to come, but what's come out already is way beyond the point at which the Minister should have been dismissed, you see Craig of course it's a tragedy, of course it's a tragedy. It's easy to say that and we all do feel that but it's a tragedy that was created by a set of circumstances for which somebody is responsible, and the person who is responsible is Peter Garrett as the Minister. It's not enough to say "Well this was just an implementation issue" because the Minister was warned...

**EMERSON:** I was talking about the meeting George.

**BRANDIS:** The Minister was warned, the Minister was warned 17 times by State Governments, by state agency, by trade unions, by other experts that there were problems with this policy, that he was creating a risk could cost lives as well as potentially lead to dangerous hazards which would result in houses burning down and that's exactly what happened. Four lives have been lost, 87 houses have been burned down, there are thousands of houses in Australia now that are in a very hazardous condition and far from being proactive, some of these warnings, the Minister was alerted to this by some of these warnings as early as February last year but didn't act until November last year, or later. So much for being proactive. And just when it looked as if things couldn't get any worse for Peter Garrett...

**EMERSON:** Can I get a word in here George?

- BRANDIS:** Rather than go to the key meeting which you dismiss as a technical meeting...
- EMERSON:** I didn't dismiss it at all.
- BRANDIS:** He went bush walking. He went bush walking in NSW. It's a disgrace, the Minister should go, if he had any decency he would want to go because he would want to say, "Somebody has to 'fess up and take responsibility, and that person ought to be me".
- EMERSON:** Try not to get hysterical George, try not to get hysterical.
- GILLON:** Okay, Craig Emerson, final word on this, that is crux of the problem isn't it, the time lag between the warnings and the Government and the Minister acting on that.
- EMERSON:** Peter Garrett gave a very detailed account before Question Time last week, and again during Parliament of how he responded...
- GILLON:** So do you think that time lag is appropriate though? Is that really justified?
- EMERSON:** From the account Peter has given, and it was a very careful account, when he had information in front of him from the Department he responded, and in a number of areas he took proactive action. I don't want, and I know that George thinks that this is an opportunity for great political dividends for the Coalition and disgraceful comments from Tony Abbott saying "he should be up for industrial manslaughter". Tony Abbott never supported industrial manslaughter laws when he was in Government for 10 years, many of which he was the IR Minister...
- BRANDIS:** That's hardly the point Craig...
- EMERSON:** It is the point. It's a double standard from Tony Abbott, I'm not going to engage in a political slanging match with George about this, it is a tragedy, Peter Garrett has dealt with the issues as they have arisen. The meeting yesterday was never designed to involve Peter Garrett, it was never a decision-making meeting and that's about all I have to say about it.
- BRANDIS:** I think some people would like to see some decisions being made?
- EMERSON:** George, if you think there's a political dividend for you out of this mate you go for it.

**GILLON:** Okay, well I'm glad that's all you have to say about it because we have run out of time for the program. Senator George Brandis thank you for joining us this morning. Craig Emerson thank you as well and I'm sure that political slanging match will continue for Peter Garrett next week when Parliament returns. That's all we have time for for this edition of AM Agenda, don't forget to join David Spears this afternoon 4:15 eastern time for PM Agenda I'll be back with you tomorrow morning, I'm Ashleigh Gillon, thanks for your company.

**END**