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Transcript
SKY NEWS AM AGENDA
Tuesday, 27 April 2010
Kieran Gilbert interviews Dr Craig Emerson and George Brandis MP

E&OE

Subjects: Troy Buswell, insulation scheme, private health insurance rebate, ETS.

GILBERT: Good morning and welcome this morning to our panel. Small Business Minister Craig Emerson in Canberra. Good Morning Mr Emerson.

EMERSON: Hello Kieran.

GILBERT: And in Brisbane, the Shadow Attorney General Senator George Brandis. Senator Brandis good morning to you. I want to start with Craig Emerson though on this issue of Troy Buswell. Craig Emerson, as you watch it, obviously very difficult time for the treasurer in WA, but it looks like from you know as a political observer's perspective that he's gone.

EMERSON: Well I am not a political observer, I am a member of the Federal Parliament. This is a matter for the Premier, Mr Buswell, and the Western Australian Parliament and the people who vote in Western Australian elections. So I'm afraid I can't enlighten you on what may or may not be the right or the wrong thing in relation to Mr Buswell. That will be a matter that will be determined apparently today by Mr Barnett.

GILBERT: What about the issue, the broader issue of politician's private lives becoming "the story". Do you think that we need to

reassess that? There is also in this context the misuse of taxpayer funds though. What about the broader issue of polities private lives being public?

EMERSON: Well speaking in the generalities, of course there is an issue about politicians' private lives and getting into the public domain. My own view is that private lives should remain private lives except to the extent that if there is any issue of taxpayers' funds involved then of course that enlivens the interest of taxpayers. The only other circumstance that I can see in which private lives may become a matter of legitimate public interest is if the parliamentarian is trading on a reputation of being very virtuous, perhaps lecturing other people about virtues and not practising that him or herself. In those circumstances there may be a case for illuminating the private lives because it does impact on their public performance. But as a general presumption, it is my strong view that people's private lives are not fair game for parliamentarians to attack each other.

GILBERT: Senator Brandis, what's your view on this Troy Buswell issue? It's not, I mean first of all if we just look at the context of this current story ... that the misuse of funds which he's admitted to, do you think he will be gone? The premier apparently only found out about that misuse of tax payers funds in the last 24 to 48 hours and he was furious about it reportedly.

BRANDIS: Well Kieran I'm a bit like Craig on this I only know as much about this as I've read in the newspapers. I understand that the premier and Mr Barnett will be making a statement about it later in the day. And I don't think that any observations that I might have to make based entirely on what I read from the newspapers is likely to assist the situation, so I'd rather just wait upon events and see what Mr Barnett has to say.

GILBERT: What about the broader principles that Craig Emerson discussed just a moment ago. What's your view on that broader issue? If the personal life doesn't affect the job, and the performance at work, should it be a point of discussion of media reportage?

BRANDIS: I largely agree with Craig. I think ordinarily no, but I think that's a very hard line to draw. Because up to a point when you're in public life your character is always an issue. And if there is conduct in a person's private life which suggests that they are a less than they represent themselves to be to the public. If in particular the manner of their private life suggests that some of their public positions are hypocritical or insincere, I think that the public has the right to know that. But leaving aside issues of bad character and hypocrisy I think as long as private conduct

doesn't impinge upon public duties, then there is a private fear for people in public life yes.

GILBERT: Okay, let's move on now to the insulation issue again. It's been messy for the government. Last night on the Four Corners program an Environment Department whistleblower said that they were advised within that department to put jobs ahead of safety regularly. Let's recap a little bit of what that program aired last night.

[Excerpt of audio]

INTERVIEWEE: That was mentioned on many occasions. We were told many times by senior management that the technical and safety issues were of less importance than getting this program up and running and creating jobs.

[End of audio]

GILBERT: It was a scathing report Craig Emerson. This program has been a mess right throughout. Why not have a Royal Commission?

EMERSON: Well there are two inquiries already and no doubt the Senate has an interest in these matters. Already the Hawke Review, prepared by Alan Hawke, has been made public and the content of that report led the Government, through Minister Combet, to abandon the program. I will note that report said that whenever safety concerns were raised with Minister Garrett he did act upon them. There is also – separately - an auditor general's report Kieran, which was actually initiated by Minister Greg Combet, so that is underway. So I think we've got plenty of scrutiny on this program. It has been terminated and I think that in the course of time, that auditor general's report too will become public. And as I say, if I know George Brandis and the Liberals in the Senate they will keep working away on this issue. So plenty of opportunities for shining a light on this issue. It has been a very very difficult issue. Obviously not only for the Government but far more importantly for the four boys who have lost their lives. And once again my heart goes out to those young boys and obviously to their parents and loved ones for this terrible tragedy of them losing their lives.

GILBERT: The coalition is making a big point of the correspondence between the Environment Minister and the Prime Minister. Will those investigations that you referred to, the Senate inquiry and so on, be able to subpoena witnesses and obtain that sort of documentation which they say is at the core of this, what the Prime Minister knew about it.

EMERSON: Well I can't answer that question in respect of the auditor general Kieran. But what I can say these are cabinet in confidence documents, and it has been the practice of past governments, and this government not to release publicly cabinet in confidence material. That was the practice of the Howard government, of the Hawke government, and Keating government before that. It's the practice of this government. And once you start getting into a position of advocating the release of cabinet in confidence documents then that can create very difficult precedents for politicians who think that should be the rule.

GILBERT: Senator Brandis I will let you respond to that. I also want to put to you the suggestion that the auditors general are looking into this already. Why reinvent the wheel if they are already examining this bungled program?

BRANDIS: Well there are two fundamental questions here. The old Watergate questions. What did the Prime Minister know? And when did he know it? Now the reason why the opposition has called for a full judicial enquiry with the powers of the royal commission, is because neither the auditor general's inquiry nor the Senate enquiry are capable of getting to the bottom of these things. Let's start with the Senate inquiry. As Craig has just conceded, the Government will not release internal documents including correspondence between ministers and advice to the minister or the Prime Minister to a Senate inquiry. That's been a practice I might say, on both sides of politics. But a judicial inquiry, with the power to subpoena documents, which includes a power I might say, to subpoena cabinet in confidence documents, which can potentially be held by in Canberra, doesn't have that limitation on its powers.

During the Howard government you will remember the great affair of the Australian Wheat Board. That the Howard government actually set up a judicial inquiry. It placed itself under the scrutiny of a judicial inquiry, and that judicial inquiry had access to cabinet in confidence documents that wouldn't ordinarily be available through any other method or a mode of enquiries. So that is why we are saying there needs to be a judicial inquiry. The key documents that contained the advice to the Prime Minister and the Minister. The documents that will answer the questions; what did the Prime Minister know? And when did he know it? And not capable of being revealed by any other manner of enquiry. The government was fair dinkum about this. If the government was fair dinkum about transparency and shinning a light on this it wouldn't be running away from a judicial enquiry as fast as it could. What does it have to hide?

GILBERT: Craig Emerson as far as the other point, beyond the correspondence is getting to the bottom of this culture that seemed to be apparent within the Environment Department. That whistleblower suggesting that it was all about jobs not safety. That went out the window when they were talking about this program. That's very very concerning, particularly obviously given the events that transpired.

EMERSON: Well indeed the Hawke Inquiry examined those very issues about the handling of this insulation program within an Environment Department which I have said previously on this program Kieran was not set up to deliver an insulation program. Now that's not surprising, because it's not that often that the deepest global recession since the Great Depression comes around. You know perhaps once every 75 years, so these were extraordinary circumstances and in those extraordinary circumstances the Environment Department was asked to build the program, but it wasn't set up to do that. Now we've had these inquiries - the Hawke Inquiry - is a pretty thorough inquiry and the priority now of this investigation...

BRANDIS: ...It's an internal investigation Craig you know that...

EMERSON: ...Well it's a public report George and you know that...

BRANDIS: ...An internal investigation. And get to the documents in question.

EMERSON: The priority now is to deal with the houses that got foil insulation, to deal with the remaining problems created by this program. We don't pretend other than that there are serious problems associated with this program. That's why it has been terminated, and I think the Australian people would expect the government to attach the highest priority to dealing with the foil insulation and the other houses that may have suspect insulation. That's exactly what Greg Combet is doing.

GILBERT: Senator Brandis I will let you respond.

BRANDIS: What the whistleblower said last night, as you've reminded us Kieran, is that there was an instruction given with ministerial authority that...

EMERSON: You're assuming that...

BRANDIS: ...Well ministers are responsible for what happens in their department, particularly at this level. But the outcome of the program, that is to generate jobs, was a more important consideration than safety. That is a disgraceful instruction. It should never be given in any workplace, in any circumstances

whatsoever. And you know that very well Craig Emerson. The result of that instruction, 'jobs before safety', was four deaths. It was the destruction of more than 100 homes. It was the electrification of more than 100,000 roofs. This is not a small matter. We now know as a result of the Four Corners program last night, that all of the damage, and indeed the loss of life, that were the consequence of this program were the direct consequence of a Governmental directive. Jobs before safety. That's totally unacceptable and there ought to be a public spotlight.

EMERSON: That is entirely an assertion on your part, based on the Four Corners program which said...

BRANDIS: ...No it's an assertion on the whistleblower's part, Craig.

EMERSON: No, you're not correctly reflecting the contents of the program. The program said more senior officials within the Environment Department gave that instruction, or that feedback to more junior officials. You have then politically made the leap to say it therefore follows that a minister delivered that instruction to the senior officials...

BRANDIS: This is so Rudd government Craig. Nobody is responsible no matter what the fiasco, no matter what the damage, no matter what the loss of life. At the end of the day nobody is responsible.

EMERSON: I'm waiting for you to finish with your diatribe George. Are you finished with your diatribe? On previous programs you have blame me for interrupting you. Let's have one rule for Liberals and the same rule for Labor. I'll interrupt you from now on. What I'm trying to say is that you have made an assertion which is not based on the Four Corners program - that a minister delivered that instruction to senior management in the Environment Department. You made that up.

GILBERT: Craig Emerson the point is though, where did it come from? It didn't come out of thin air, this motivation to tell the staff "put jobs in front of safety", it came from somewhere. Was it pressure from above?

EMERSON: The motivation of officials would no doubt have been in the context of the deepest global recession since the Great Depression. The insulation program was developed in the context of responding to an economic crisis going on around the world. No one's pretending otherwise. No-one is pretending that that was not the context – that jobs were not a very important consideration in the design of the insulation program.

BRANDIS: Of course they were. That's not the point. The point is in order to serve that objective you were prepared to put lives at risk. And lives were lost and that's an absolute scandal...

EMERSON: ...And you know from the Hawke report that on every occasion that risks were drawn to the attention of Minister Garrett, he acted upon them. That is completely contrary to the assertions that you have just been making on this program. Assertions based on opportunism...

BRANDIS: The instruction of jobs before safety is a disgraceful instruction...

EMERSON: ...When there is a public report which you should have read by now George, which indicates that Minister Garrett responded to any concerns raised by officials in relation to risk. And you're being opportunistic about it...

GILBERT: We're going to have to take a break stay with us on AM Agenda.

[Commercial break]

GILBERT: Welcome back to AM Agenda. With me this morning Small Business Minister Craig Emerson in Canberra, and the Shadow Attorney-General George Brandis in Brisbane.

Craig Emerson, reports in the Herald this morning by Lenore Taylor that the government has pushed the ETS back until the end of the second term. It's not really an urgent timetable for what the Prime Minister describes as "the greatest moral challenge"?

EMERSON: It is a big moral challenge. There's no doubt about that. But this challenge has been thwarted in the Senate by the coalition which has voted quite recently to defer the legislation, to put it off into the never-never into committee stages. Now why would they do that? For one reason, and one reason only. And that is that Tony Abbott has described climate change as quote: "absolute crap". There was a compromise bill developed with the former leader Malcolm Turnbull. Tony Abbott used that bill and that position as leverage to defeat Malcolm Turnbull. And I note in passing that George Brandis was a supporter of that legislation. He no longer is because they are just going to block this legislation because of Tony Abbott's fundamental belief that climate change is absolute crap.

GILBERT: But have you foregone the moral high ground on this? Bob Brown says "It's a climate change collapse by the government".

EMERSON: We will take the climate change issues to the next election. And the people will have another opportunity to determine their position. And I know what position they will adopt. And that is that there must be decisive action on climate change. They will not agree with Tony Abbott, that climate change is absolute crap. But we do not control the numbers in the Senate Kieran. That is well known. We do not control the numbers in the Senate. The coalition is being obstructionist on this as it is on many other pieces of legislation. So we'll let the people make a decision again, give guidance. But I'm quite confident they'll say that the government, if re-elected must press on with the urgent task of dealing with climate change.

GILBERT: Senator Brandis, the government has tried twice and the opposition's blocked it twice. The government has already got a double dissolution trigger on this matter. What more could it do?

BRANDIS: Let's remember Kieran that if the report in this morning's Sydney Morning Herald is correct, and it seems to be well sourced, then the ETS isn't off the agenda. The great big new tax on everything isn't off the agenda. It is still a Rudd Government second term priority if they get a second term. It's merely being deferred until later into any second term. So what this tells you is this: The government still believes in the ETS, it still wants to impose a great big new tax on everything. But it doesn't have the policy courage or the political courage to defend that position at a general election. So it hopes that by saying "We'll defer this until towards the end of a second term if we're re-elected" that it doesn't become an election issue.

What this just shows you is the pusillanimity of the Rudd Government. They are policy cowards. This has never been about the greatest moral challenge of our time as Mr Rudd described it. That was rhetoric. That was heroic rhetoric and spin. As the Labor Party assessed the p[olitics of the time last year they thought it was an electoral winner for them so they ramped up the rhetoric. When they discovered it wasn't an electoral winner for them they were running away from it at a million miles an hour, so much so that they aren't even prepared to defend their policy at an election. But nevertheless, they haven't dumped it. It'll still be coming if the Rudd government is re-elected.

EMERSON: Why don't you let it through George? If we're talking about a great big new tax on everything you buy, have a look at Tony Abbott's paid parental leave scheme which has been estimated by the mining industry as twice as large, and there's no compensation for households on his great big new tax on everything you buy.

BRANDIS: I don't think a modest levy on the couple of thousand richest companies in the country constitutes a great big new tax on everything.

EMERSON: Which is then passed onto small businesses and consumers as you know.

GILBERT: Gentlemen one last issue please. If I can have a word. We've got about a minute thirty left. Craig Emerson on the private health insurance rebate. Apparently you're going to reintroduce it for a third time. Why? When you know that the coalition has voted on this issue as well, they've blocked it twice already.

EMERSON: There are substantial expenditure savings associated with this legislation Kieran. And it is our view that this legislation should pass. We have a problem, the aging of the population. We don't see the fairness in millionaires being subsidised for their private health insurance.

GILBERT: We're going to have to stop you there to give George Brandis and equal time. Have a go.

BRANDIS: It's very simple. This is an outright, flat out broken promise. And the Government doesn't even pretend that it's not. At the 2007 election, Julia Gillard wrote to electors, she gave an absolute rolled gold guarantee that there would be no means testing of the private health insurance rebate. And the government has shamelessly broken that promise and the opposition and the Senate is doing what oppositions are meant to do. And that is keeping the government honest.

GILBERT: Senator Brandis and Craig Emerson, great to chat to both as always this morning. We're out of time but we'll catch you again next week. There will be a lot to talk about after the release of the Henry Report then.

EMERSON: Okay thank you Kieran.

BRANDIS: Thank you Kieran.

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