



**THE HON DR CRAIG EMERSON MP  
MINISTER FOR TRADE**

Transcript  
ABC 612 Mornings with Madonna King

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E&OE

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*Subjects: asylum-seekers, troops in Afghanistan, Labor leadership.*

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MADONNA KING:

This morning another boatload of asylum-seekers were actually arriving on Christmas Island late last night. This is the sixth in the past month.

The Government seems no closer to finding a solution here. Tony Abbott is now heading off to Nauru tomorrow. So what is this solution? Is it Malaysia? Is it Nauru? Is it PNG? How can the boats be stopped and should our asylum-seekers actually be processed in Australia?

Let's go *Inside Canberra*: Dr Craig Emerson, a Minister in Julia Gillard's Government. Good to have you back in Australia, and it's 612 ABC Brisbane. Doctor.

CRAIG EMERSON: I tell you what, it's good to be back in Australia, the greatest country on earth.

MADONNA KING: And you've probably missed your sparring partner, too, Senator George Brandis, the Deputy Opposition Leader in the Senate.

Senator, good morning.

GEORGE BRANDIS: Morning Madonna.

EMERSON: I didn't get any text messages from you, George, while I was away. Not one saying you missed me. That's probably because you didn't. [laughs]

BRANDIS: Well, no Craig, you know, I didn't want to drive you into despair during your overseas trip by telling you how your Government was falling apart.

KING: [Laughs] Alright. Okay, we've started already.

EMERSON: There's a little bit of partisanship in that response ...

KING: [Interrupts] Let me...

EMERSON: ... to a friendly comment, I thought.

KING: ...me start .. ask the question. This morning I want to focus on asylum-seekers. Although, I'd like to quickly touch on Afghanistan and the *New York Times* article, which maybe you've read, maybe you haven't. But it's floated the idea of Kevin Rudd coming back as leader. But I'll come to that before 10 this morning.

On asylum seekers, independent MP Andrew Wilkie says the pending deal to send 800 asylum-seekers to Malaysia, including unaccompanied minors, shows the Government has lost its moral compass.

George Brandis, do you agree with him there?

BRANDIS:

I think that's ... those aren't the words I'd choose. But I think what it shows is the Government continues to be in deep confusion about this. Now, can I just ...let's follow the way this issue developed.

The Labor Party started by saying offshore processing, which was introduced by the Howard Government with the Pacific Solution, was a thoroughly bad idea.

They have moved begrudgingly and in denial over the last two years to saying 'well, we, too, support offshore processing. But unlike the Howard Government, rather than doing in it Nauru, we're going to do it in Malaysia.

So, the basic philosophy or theory of the Howard Government's asylum-seeker plan has been reluctantly adopted by this Government.

KING:

So what's your point? What's your point?

BRANDIS:

My point is the Government now has to answer this question and I'd be very interested to hear what Craig has to say. Why Malaysia? Where people who were deported from

Australia face the risk of torture, through routinely administering corporal punishment, rather than Nauru, in a purpose-built Australian facility...

KING: [Interrupts] Alright. We'll leave it there. That is a question, Craig Emerson. Why Malaysia over Nauru?

EMERSON: We've indicated consistently that we're seeking a regional solution to a regional problem. Nauru is not in the region and ...

KING: [Interrupts] Does that matter, though?

EMERSON: Well, let me just continue - and the situation in Nauru from the previous Government is that people were left there, sometimes for years, to rot in Nauru and 95 per cent of those asylum-seekers who were issued with temporary protection visas ended up in Australia anyway.

KING: But could it be...

EMERSON: So what was the point of it?

KING ...left in Nauru for years up against perhaps being tortured in Malaysia? Is that the...

EMERSON: Well, we are working with the United Nations High Commission for Refugees. We have a concern about the welfare of children, too. I'm a father. I think all Australians have a concern about the welfare of children. We have a concern about the welfare of children getting smashed up against rocks on Christmas Island. We have a concern about the fact that

we have in fact an in-principle agreement with Malaysia to bring 4,000 genuine ...

KING: Alright.

EMERSON: ...genuine refugees to Australia, who include overwhelmingly Burmese and Burmese children.

KING: Alright. Alright, we will come to that in just a moment. But, but even your party's left and right factions can't agree on sending children to Malaysia. You've just said you're a dad. Do you think children should be exempt from this?

EMERSON: What we are dealing with ...

KING: [Interrupts] Not, not we; not Labor; Craig Emerson.

EMERSON: No, no. What I don't want to see in response to a policy announcement is people-smugglers loading up boats with children, with children, on the basis of some sort of blanket exemption for children going to Malaysia.

Now, how would that be in the interests of children? And that's what the people-smugglers would do.

KING: Isn't that a fair point, Senator George Brandis?

BRANDIS: Well, I think the Government's got itself into a terrible mess because they really face the devil's own choice now. I mean as Craig rightly says, there is this risk that people-smugglers will load up the boats with children and therefore imperil the children.

On the other hand, if the Government decides that it's going to include children in the categories of people who can be deported to Malaysia, then the children, unaccompanied children, face the shocking conditions in Malaysia.

That's why ... what the Government's got itself into such a bind because it's too stubborn to admit...

KING: [Interrupts] No, no.

BRANDIS: ...that the Howard Government was right in choosing the route.

KING: Alright. George Brandis, can I get you to answer my questions, though, and...

EMERSON: [Interrupts] Good luck.

KING: ...and if, if, if Labor can sort out a deal with Malaysia which takes out the concerns involving children and treatment, why won't the Malaysian solution work? Do you concede it could possibly work?

BRANDIS: Well, I don't expect that either the Government will be able to secure from the Malaysians the guarantees that we would expect, because the Malaysian authorities and indeed the spokesmen for the Government, have already said, including Mr Metcalfe, the Secretary of the Department ...I heard him say at Senate Estimates only two weeks ago that these people who were sent to Malaysia will be

subject to domestic Malaysian laws, including the laws about criminal sanctions and punishments, just like anybody else in Malaysia. That's why we say Malaysia isn't the right solution. Nauru is the right solution.

KING: Alright, and we'll come to Nauru in just a moment. Craig Emerson, how can your Government, hand-on-heart, guarantee people won't be mistreated if they are sent to Malaysia?

EMERSON: We have engaged with the United Nations High Commission for Refugees, whose charter includes looking after the welfare of children.

KING: But haven't they withdrawn their support?

EMERSON: No, they have not. No, they have not and we're working with them on finalising this agreement. And it's all very well for George to say 'no matter what happens the Malaysian agreement won't happen'. Well, we'll see, George, and...

KING: [Interrupts] Well, how close to a deal?

EMERSON: ...even if he does he opposes it.

KING: How close to a deal being signed?

EMERSON: I won't indicate here on radio, just for one good reason Madonna. I don't want to say to the Malaysians 'this is what, you know, the Trade Minister says in terms of the timetable'.

KING: But if you've got that ... if you've got that deal with Malaysia, will you go to bed of a night in

your heart knowing that asylum-seekers are not being mistreated?

EMERSON:

Yes I will because of the engagement, not only of the Australian Government, but the United Nation High Commission for Refugees. And I will actually welcome Burmese children and their parents into this country and let me say this as ... the Member of Parliament for one of the biggest areas, that is Logan City, receiving refugees: the Burmese community is fantastic there ...

KING:

[Interrupts] Alright. But ...

EMERSON:

... and I think it is a good thing that ...

KING:

[Interrupts] Alright. But ...

EMERSON:

...kids come from Burma who are genuine refugees and are able to settle here.

KING:

Yeah, but we're not talking about coming here. We're talking about going there.

EMERSON:

Well, I think we should look at the welfare of all children.

KING:

Yeah. Well, looking at the welfare of all children, how do you nut out what to deal with, with children? How do you deal with that issue? How are you nutting that out?

EMERSON:

Well, Chris Bowen is handling that in the negotiations with Malaysia and the High Commission for Refugees.

KING: It's 9:45; you're listening to Dr Craig Emerson and Senator George Brandis. And Senator George Brandis, your Opposition Leader, Tony Abbott, is flying to Nauru tomorrow, he says, to establish that the island nation is still ready, willing and able to take asylum-seekers from Australia. Isn't he just playing politics on the issue - this issue - by doing that? He's not in power.

BRANDIS: Of course he's not playing politics. What he's doing is developing alternatives. I mean, we hear from Craig all the time that Tony Abbott is only interested in talking about negatives, which is not true. But, I mean, here we have an Opposition Leader, with the spokesman Scott Morrison, going to actually engage with the Nauruan Government to revive the policy that was, may I remind you and your listeners, successful under the Howard Government and ...

KING: [Interrupts] Yes, you've made that point.

BRANDIS: ... and in a country where we know one thing for sure. People ... asylum-seekers who are sent to Nauru will not be exposed to torture. Now Craig ...

KING: [Interrupts] Could they ... could they, George Brandis, be kept, though, in Nauru for years and years and years?

EMERSON: Of course they could.

BRANDIS: Well...

EMERSON: [Interrupts] They were before.

BRANDIS:

There was a long processing time. That's why Nauru was a deterrent. No ... don't ... let's make no mistake about this. The whole point of offshore processing is to deter the asylum-seekers by breaking down the people-smugglers' business model.

The question is why don't you do that by Nauru, where the ... where people won't be subjected to torture and inhumane conduct, but will be made to wait for a long time rather than send them to Malaysia, where they will be ...

EMERSON:

...and 95 per cent of asylum-seekers who were issued with temporary protection visas, despite the Howard Government pretending that they were being sent to other countries, ended up in Australia anyway.

KING:

Craig Emerson, but you're sitting down with the Malaysian Government and you're nutting out a deal and you say we're pretty close to doing that. Why not sit down with Nauru and nut out a deal that they're not actually kept there for years? Would that be another solution to this?

EMERSON:

My understanding - and I don't profess to have been to Nauru - is that the facilities aren't all sitting there all spic and span and just need a feather duster over them; that there would be a requirement to upgrade those facilities. That's not the major point, that's not the major point ...

KING:

What is the major point? Is it for years and years?

EMERSON: [Interrupts] The major point is that ...

KING: ...or is it that it's not in the region?

EMERSON: ... it's not in the region, and we went through what was called a Bali Conference process with our neighbours in the region to work out a regional solution to a regional problem. This is not unique to Australia. For example, I think there are 92,000 asylum-seekers in Malaysia - 92,000!

KING: Okay, alright, I'll come back to you in just a moment, George Brandis, but what happened to PNG? Wasn't there a deal to reopen facilities on Manus Island?

EMERSON: That's still an open possibility.

KING: So, East Timor: that's definitely not an open possibility?

EMERSON: My understanding is that the concentration of effort now is on PNG, and the finalisation of the deal with Malaysia.

KING: Do you understand, though, someone listening will think 'well, hold on - it was East Timor, then it was Manus, then it was Malaysia. What's next?'

EMERSON: Well, no. Manus and Malaysia are not necessarily substitutes; that is, one or the other. We are pursuing the agreement with Malaysia which is 4,000 recognised refugees coming to Australia, most of them Burmese. And in relation to Manus, that is a separate arrangement.

KING: Many of my listeners have said the number of asylum-seekers coming to Australia is absolutely tiny compared to those who may be overstaying their work visas and the like.

EMERSON: That's true.

KING: What - and I'll go to George Brandis first here in fairness - what is stopping asylum-seekers being processed in Australia, George Brandis? Is this just a race to the right of the political spectrum?

BRANDIS: No, it's not a race to the right. What it is is an attempt to find a solution that will break down the people-smuggler's business model and send them out of business, so that people aren't encouraged to take these perilous journeys over seas, which has resulted now as we've seen tragically in many deaths.

KING: Alright, well answer me this question: are you doing this, then, out of concern for asylum-seekers? Or are you doing it over concern in the public that too many of these people are arriving on our shores?

BRANDIS: Well of course concern for the wellbeing for asylum seekers is very important in everybody's consideration of this issue. I'm sure it's important in the Government's consideration as well as the Opposition's. But what we want to do is find a solution that works, and our criticism of the Government's position is that we had the problem solved.

When Howard went out of office the people-smugglers were all out of business. Then they changed the policy in August 2008 and in the

two years since, there have been 11 - as of last night - 11,472 illegal entrants.

KING: Alright. Do you concede Craig Emerson that John Howard's model did stop boats coming to Australia?

EMERSON: No I don't. In fact, during the course of John Howard's prime ministership we had the notorious 'children overboard' affair, where John Howard and other ministers claimed that asylum-seekers threw their children overboard. [They] went to the 2001 election, very proudly walking up and down the stairs of the Liberal Party convention, knowing in fact that that was untrue.

But towards the end of that period the number of asylum-seekers did decline and the Howard Government said 'that's because of Nauru'.

KING: What do you say it was because of?

EMERSON: We say there were important push factors at the beginning, and push factors when this Government - not long after this Government came into office - most particularly from Afghanistan, most particularly from a war in Sri Lanka.

KING: George Brandis, do you conceive that Tampa, the 'children overboard' affair, actually has damaged the Conservatives' position on this issue, on the issue of asylum-seekers?

BRANDIS: I think the 'children overboard' affair is ancient history, but what has ...

KING: Well, you keep harking back to the Howard Government.

BRANDIS: I refer to the Howard Government because it is empirically true that the problem was solved. And Craig says 'well, you know there were lots of boats came in during the Howard Government but they, I concede, they tailed off at the end.' That's a very distorted view of history.

The fact is ...

EMERSON: I think it's quite accurate.

BRANDIS: The Howard Government changed the policy by toughening it up in 2001.

KING: Alright.

BRANDIS: No, let me finish. And then the six years - let me finish - in the six years after Howard toughened the policy, there were 18 boats, an average of three a year. In the last two years there have been 229.

KING: Alright...

EMERSON: Madonna, a trivial pursuit question. Who said this? "The push factors are enormous"? Answer: Malcolm Turnbull.

KING: Okay, can I ask you this, Craig Emerson? It's the same question I asked George Brandis. If asylum-seekers are such a tiny element of the illegal overstays in Australia, why aren't we putting all our money into tracking down those people who arrive by plane and then

disappear into the community, which makes up a much bigger proportion. Are we being ... are we being mean as a country?

EMERSON:

No, I surprisingly am going to agree with George on an important point here, and that is we do want to break the people-smuggler's model. We do not want to see asylum-seekers die on the high seas and get smashed up against rocks at Christmas Island.

KING:

Hand on heart, is that your number one motivation?

EMERSON:

It is, but I do accept that the Australian people want people to come through the front door. And that ...

KING:

[Interrupts] But is there any use if they're coming through the front door and then they're disappearing out the back door.

EMERSON:

... to pick up your point, the front door means an orderly immigration program, and it doesn't mean people arriving by plane as well. And there is definitely more attention – look, let's just call it the democratic process and be nice about it - there's more attention to someone who arrives by boat than there is to someone who arrives by plane.

I think you make a very valid point.

KING:

George Brandis, 30 seconds. Let's sum up on this before we go onto another issue.

BRANDIS:

On the whole issue?

KING: Well, yeah, on the issue of asylum-seekers.

BRANDIS: On the issue of asylum-seekers, both sides want to break the people-smugglers' business model. The Labor Party late in the day accepts that offshore detention, the offshore solution, is the way to do it. But out of stubbornness and pride they refuse to go back to the variant of that model that was successful under the Howard Government; that is, accommodating them in the Australian facility in Nauru. Instead, sending 800 of them to Malaysia in return for 4,000 Malaysians, by the way, and exposing them to torture.

EMERSON: They're not Malaysians, they're Burmese.

KING: Craig Emerson?

EMERSON: I just said they're people who are found to be genuine refugees, they come from refugee camps or other locations in Burma. And I think your listeners would accept that Aung San Suu Kyi is onto something about repression in Burma. They are genuine refugees and they will come to Australia and be resettled.

KING: What proportion of those arriving on Christmas Island actually get to stay in Australia?

EMERSON: Look, I haven't got the figures with me but ...

KING: It's really high, isn't it? It's over 90 per cent...

EMERSON: No, no, no that's not right. And in fact I know that the proportion arriving from Afghanistan who are found to be genuine asylum-seekers is relatively low. But the main point is that they

are assessed independently of the Liberal Party and the Labor Party under the convention as to whether they are genuine refugees or not.

KING:

Alright, I'm going to move on from this issue. That's Dr Craig Emerson and Senator George Brandis, six minutes to 10. And perhaps that explains the difference between Manus Island, Malaysia, Christmas Island, Nauru - and we can talk about it more in coming days.

But just briefly on Afghanistan: 23-year-old engineer is the 27th digger to be killed. Angus Houston says we must still hold the line, keep our troops there. Craig Emerson, how do you judge our success there and what does justify our continued deployment?

EMERSON:

It remains a battle to basically ensure the safety of Australians and others from terrorism as best we possibly can. And Afghanistan, the chief of the defence force, the military advisors are telling us that the presence there of Australian troops and the other troops is having a very material effect.

KING:

Alright. Senator George Brandis, the pressure is building on the Government and your side to rethink our commitment, especially now the Commander of the US forces Defence Secretary Robert Gates is now admitting the war may never actually be won.

BRANDIS:

Well, the Coalition's position ... don't forget this deployment began under the Coalition's ... previous Coalition Government.

KING:

Let's go forwards, not backwards.

BRANDIS: Our ... well...

EMERSON: Don't live in the past, George.

BRANDIS: I think it's important to understand how this deployment began, and I think it's also important not to trivialise it.

KING: Well, 30 seconds.

BRANDIS: The Coalition's view is that Australian troops ought to continue to support our allies in Afghanistan. It was never the case that this was going to be a short war. It's what experts call an asymmetric war. It's not really one country fighting another. It's an alliance of a number of countries fighting an insurgency in very difficult terrain and it was never going to be easy.

KING: Alright, okay, and one final question before you both go: dumped leader and now Foreign Minister Kevin Rudd has been hailed as the leader too popular to ignore in an interview with *The New York Times* overnight. Craig Emerson, with Julia Gillard slumping further in the polls, if Kevin Rudd can forgive and forget, can Labor powerbrokers bring him back as leader ever do you think?

EMERSON: Julia Gillard is the Prime Minister. Julia Gillard will remain the Prime Minister. Kevin Rudd is the Foreign Minister and he's enjoying himself. I spoke to him last night.

KING: Senator George Brandis, one day will you look across that chamber, in the other chamber, and see Kevin Rudd sitting in the big chair?

BRANDIS: Look, I don't know and that's the Labor Party's problem. But nobody should be under any illusion that Kevin Rudd is doing everything he possibly can to destroy the Gillard Government.

EMERSON: You're a real insider of Labor Party matters, George. Thanks for your diagnosis.

KING: George?

BRANDIS: Craig, Labor Senators tell me this in the corridors.

EMERSON: Oh yes, yes, yes and we go up to Tony Abbott and give him all our internal secrets as well.

BRANDIS: Yes, yes, they do. It's not a secret, Craig. Mate, it's not a secret.

EMERSON: George is about to bust a poofle valve.

KING: Not a chance of leaving, leaving on the same terms today. Senator George Brandis, thank you.

BRANDIS: Thank you, Madonna.

KING: And I look forward to talking to you again next week. Dr Craig Emerson, thank you.

EMERSON: Thanks Madonna, and great to be back.

KING: Yeah, good to have you back; good to have you both back.