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E&OE

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KING: As you know, both sides have moved to toughen their stance on the asylum seeker debate ahead of the election. But I wonder if you understand, or I understand indeed, the real difference between the two parties. Could we nominate what it is? Perhaps our next debate will help.

In one corner there's the Gillard Government Minister Dr Craig Emerson, who's in Sydney this morning.

Good morning Doctor.

EMERSON: Good morning Madonna.

KING: And on the other, Opposition Attorney-General Senator George Brandis who's also on the other side of the country in Perth this morning. Senator, good morning.

BRANDIS: Good morning Madonna, good morning Craig.

EMERSON: G'day to you George.

KING: Now the aim this morning gentlemen is for us to understand what both your parties are saying about the immigration debate. And I want to do this by going from one to the other where you both have a chance to talk about your own policy but also to criticise or critique the other party's policy. So I'd like to start by

giving you both a minute to explain the guts of what your party's policy is. Does that sound fair?

EMERSON: It does.

KING: All right let's start with you Craig Emerson, a minute, what's the guts of what Julia Gillard announced yesterday?

EMERSON: We would establish a regional processing facility in East Timor to remove the incentive for people smugglers to smuggle asylum seekers across very difficult waters. We then would ensure that people are processed properly, and that is, if they are found to be genuine asylum seekers refugees, they would be accepted into Australia. If they weren't, they would be returned to their homeland. We do not agree with towing boats back out into the water.

KING: Okay and you did that in 35 seconds, good on you. It's not often a politician speaks for less than they're allowed is it?

EMERSON: Probably not, but that's my specialty.

KING: [Laughs] All right, okay. Senator George Brandis, you're going to have a chance to object to Craig Emerson shortly but first I want to give you that same minute to outline your party's policy on immigration.

BRANDIS: Thanks Madonna, well the first point I should make is our political party's position is fair dinkum. What we are saying, we've been saying all along, the Government has announced this yesterday after saying the opposite for two years is a political fix. Now our position is basically three propositions; first of all where practicable, and where it doesn't put lives at risk, we will tow the boats back out to sea. We acknowledge that in most cases that won't be feasible but where it is feasible we'll do it.

Secondly we will re-introduce offshore processing. The Pacific solution worked well under the Howard Government and it can work again.

Thirdly, and this is where there is a total difference between the Labor Party and us, we believe in Temporary Protection Visas. You see under the Labor Party's policy if these people ...

KING: They give you a policy and you've got 10 seconds.

BRANDIS: Under our policy, if a person is assessed to be fleeing persecution we'll give them a Temporary Protection Visa and their status will be reassessed after two years.

KING: All rights that's a minute to both of you on that issue and there's several questions coming up about that, I'll go to those shortly.

But Dr Craig Emerson, can I give you a minute now to outline what you see as the chief differences between your position and George Brandis's position?

EMERSON: Sure Madonna. As I say we would establish a regional processing facility which therefore requires and relies on regional cooperation, rather than going it alone out in the middle of the Pacific at Nauru or some such place. It means that the United Nations High Commission for Refugees would be involved in the assessment of applications because we think it should be fair for all, for all asylum seekers rather than having a regime that applies specifically to people out in the middle of the Pacific Ocean. We don't agree with towing people back out to sea. We think that is very dangerous indeed.

And thirdly we want to make sure that everything that we do is fair but firm, that we have a compassionate but firm policy. And in relation to Temporary Protection Visas, the reality is, under the Howard Government more than 70 per cent, and in some cases 90 per cent of people who were given temporary protection visas actually were allowed to stay in Australia, so we see that as a sham.

KING: Okay that's your minute. George Brandis, we're not rebutting yet but I want you to just - you started on this in the last minute but can you outline what you see as the chief difference for listeners of your policy and Craig Emerson's policy?

BRANDIS: Well there are several, but the most important difference is this Temporary Protection Visa issue. You see, under the Labor Party's policy, what a person who establishes their status as a refugee gets is permanent resettlement in Australia. It's a migration outcome, not a protection outcome. But that's not what refugee policy is meant to do.

What refugee policy is meant to do is to provide a safe haven for people fleeing persecution, and if the circumstances from which they were fleeing change so that they can go back home, they should go back home. And in fact they should want to go back home, so we say give them a safe haven but after two years reassess the situation and if they can be sent back home, they should be. For the Labor Party it's a migration policy, for us it's a refugee protection policy.

KING: Okay so now Craig Emerson a free for all. Say what you want to for a minute.

EMERSON: The total program - the humanitarian program - is 13,750 people. If people arrive by boat and they are assessed as genuine refugees, then that is within that total of 13,750 people. So I just want your listeners, I'm asking them to understand that

we're not being overrun by asylum seekers, that somehow this is on top of the existing humanitarian program. It's capped at 13,750 people.

The total number of people who have arrived by boat in this country since 1975, which is 35 years ago, is around 25,000 people. Now again I'm saying that to keep this in perspective. If you listen to Tony Abbott you'd believe that we're being overrun by people arriving by boat. There's about 5,000, maybe a bit more under this government. A total of 25,000 over 35 years, I'm just saying let's keep this in perspective and let's not get too emotive about uses of terms like illegal immigrants, which George used yesterday.

KING: George Brandis?

BRANDIS: Two points, first of all let's never forget the context of this. The Liberal Party solved this problem. When we were in power we introduced tough policies in 2001, they worked. The flow of boats dwindled to a trickle, three a year. Since the Labor Party weakened the policies in 2008, there has been a flood. It's now three a week. We had three a year, they had three a week.

Secondly, if any of your listeners are silly enough Madonna, and I'm sure they're not, to think that the Labor Party's fair dinkum about this, that this is anything other than a fix to get them past the next election, then I think I've got a block of flats to sell that listener and I'll throw in Tasmania.

KING: [Laughs]

BRANDIS: The fact - the fact - the fact is that Ms Gillard announced this policy yesterday morning. It depends upon the cooperation of the East Timorese Government, but now it's been revealed that the first time she raised with the President of East Timor, Mr Ramos Horta, was late on Monday night and she didn't get a commitment from him. This is political spin doctoring of which the Labor Party are the past masters.

KING: All right. All right. I want to ask a couple of questions now, and Dr Craig Emerson, just taking up that last point, what happens if East Timor says no? Does your policy fall in a heap? Because last night East Timor was saying it didn't want to become an island prison for people fleeing violence? The Deputy Prime Minister of East Timor seems pretty cool on the issue.

EMERSON: Well I think the response has been reasonably positive and that's the sort of regional cooperation that we want. That's where we're seeking the processing facility. And...and...

KING: [Interrupts] Well can I just ask you what is positive about East Timor's response?

EMERSON: The comments yesterday from Jose Ramos Horta. I've got them here somewhere, but they were actually quite positive. He said that we - he believes in a humanitarian approach to these issues and he would look at it very carefully. I think that...

KING: [Interrupts] He also said he wanted...

EMERSON: I reckon that's pretty positive.

KING: ...his - his country shouldn't become a prison for Australia's asylum seekers.

EMERSON: Though - I don't think Jose Ramos Horta said that actually. Julia raised it with him and the critique is that Julia did this only a few days ago...

KING: Yes.

EMERSON: ...she's been Prime Minister for 11 days...

KING: Sure.

EMERSON: ...when would - when should she have done it? As the Education Minister? And the other thing I'll quickly say is that George has said their policy, this is the Liberal policy, has been settled for ages. Well why did Tony Abbott make new announcements yesterday?

KING: No I'll come to George Brandis in just a moment. If East Timor says no, and it is still up in the air, what is the other likely country to take this position as the offshore processing point?

EMERSON: It's not my role to speculate about particular countries. We're looking for a regional solution, not a mid-Pacific solution.

KING: Okay.

EMERSON: One in which the United Nations High Commission for Refugees is operating, so that everyone has fair treatment. And the last thing I'll say quickly Madonna is something has changed in the last few years and that is the push factors. For example, for Sri Lanka and for Afghanistan, push factors described by Malcolm Turnbull as enormous, as enormous. Now George says they don't exist, or they haven't changed. Malcolm Turnbull is being honest about this saying what has changed is that the push factors from those source countries have been enormous.

KING: Okay. George Brandis, you say you will reintroduce an offshore processing place. Where will that be?

BRANDIS: We'll negotiate with nearby countries.

KING: Who?

BRANDIS: Oppositions can't negotiate. As a matter of diplomacy, oppositions can't negotiate with sovereign governments. But upon election, an Abbott Government will immediately enter into discussions with nearby countries, with a view to reviving the successful policies that were the case under the Abbott Government - under the Howard Government.

KING: All right. Now you talk about turning the boats around, or towing the boats back to sea...

BRANDIS: Yeah.

KING: ...in what circumstances would you consider that okay?

BRANDIS: Well - it - well - I want to stress that this is not the most important element of our policy, because we've always recognised the circumstances in which it's possible to do that, without putting lives at risk, which we would never do, are very limited. But on occasions it can be done and during the Howard Government there were six or seven documented instances of that being done. Where it's feasible then we will do it.

KING: So when would it be feasible?

BRANDIS: When it would be feasible would be when the Australian customs and border protection people and the Navy were sufficiently able to secure control of the vessel to tow it back. But what happens on these vessels and - is - and we see this on many instances, sometimes with tragic consequences, is that the people smugglers on occasion destroy them, try to sink them, set them alight to create a safe - what is called a safety of life at sea situation...

KING: All right.

BRANDIS: ...which obliges us, as we would always do under international law, to effect a rescue.

KING: Would the boat have to be safe for you to tow it and turn it around?

BRANDIS: It would have to be in circumstances in which we didn't put lives at risk.

KING: Craig Emerson?

EMERSON: And I accept what George is saying in these circumstances, but what Tony Abbott is seeking is a headline, and he got one. He

got a big headline on the tabloid newspapers, 'we'll tow them back to sea'. George is filling out the fine print for your audience, and that's good George, I accept that. But what the political caper is here is Tony Abbott getting on TV, radio, with shock jocks and certainly not you Madonna, because you're not one of those, and basically talking...

KING: Some people would beg to differ, but go on.

EMERSON: ...[laughs] talking tough and saying we'll tow them back out to sea and a number of people think that's a great policy. The last time the Howard Government did that, by the way, it was in 2003. 2003 because they stopped doing it. Now you asked about Hose Ramos Horta...

KING: Yeah.

EMERSON: ...and what sort of positive indications. He said if Prime Minister Gusmao were to be amenable to such a possibility - if he were to be amenable to that, 'I'm in principle in agreement, based on my very profound humanitarian convictions'. I think that's a pretty positive indication.

BRANDIS: Well it's not really Craig, I mean for a start this conversation was opened with the East Timorese Government about 12 hours before the announcement was made and there's been a polite response from them saying well if we are prepared - we share a humanitarian concern and we'll have a think about.

EMERSON: 'I'm in principle in agreement'.

BRANDIS: That's not very - that's not very - that's not a very sound basis for your...

EMERSON: In principle agreement is pretty encouraging to me George.

BRANDIS: But in principle in agreement, subject to what Mr Gusmao might say.

EMERSON: And what agreements have you sought? What agreements have you got George for your Pacific solution?

BRANDIS: Well you know...

EMERSON: Oh 'we're in Opposition, we don't get to negotiate these things'.

BRANDIS: Well we don't. You don't. We don't.

EMERSON: You're slithering out of it.

BRANDIS: But as you know, and as your listeners know, when we were in government, we did secure agreements with places like Nauru. If we can do it once, we can do it again.

KING: All right, can I ask you - both of you, this is a focus on people arriving by boat, and I think we said, what, 13,700, correct me if I'm wrong there. What about those arriving by air, or by other means? Why all the focus on asylum seekers by boat?

EMERSON: And Madonna, that number 13,750 is the total humanitarian program, arriving by boat...

KING: Allowed, yes.

EMERSON: ...yes - arriving by boat, arriving by air, and arriving from refugee camps around the world. What I'm saying is that that figure, which is a coalition figure too, is set and so the people who arrive by boat are a sub-group of that, it doesn't increase the total.

KING: Yeah but my question is though that the entire focus has been on asylum seekers arriving by boat.

EMERSON: Yeah I agree with you.

KING: Why not all the over stayers on visas and the like? What is it about this that both political parties have focused on asylum seekers by boat, is that what is of concern in the community?

EMERSON: I think the television pictures, and I'm being very frank and honest here, the television pictures of people arriving by boat cause concern. It's very hard to get television pictures of people, one or two people on a plane at a particular time.

It looks concerning to people and as Julia Gillard has said, we believe that people who are anxious about this have every entitlement to express those views. We don't believe that they're redneck, we don't believe that they're racist...

KING: No...

EMERSON: ...we're happy to have a debate. But in answer to the question; I think Madonna, it's just that television pictures and the pictures on the front pages of newspapers, including tabloid newspapers, make people anxious.

KING: Well what about you...

BRANDIS: You know that it's a political fix rather than a public policy response when Craig, as a Minister in the Government, admits that it's all about the television pictures, and the affect of the television controlling public opinion.

EMERSON: I'm saying that that's what concerns public opinion.

BRANDIS: No, can I have a go? There is a very important difference between unlawful boat arrivals and people who come by air. And that is everyone who comes to this country by air carries a passport. They carry a passport and they carry documentation and invariably they have a visa, okay.

And when they come into the country, they initially come lawfully under one of the various forms of visas and they become unlawful when they overstay their visa. So the initial law... entry is not a - in almost every case of these people coming by air, the initial entry is not unlawful.

EMERSON: And George you said this yesterday that people arriving by boat are illegal immigrants. We do not agree with that. We actually believe that people who arrive by boat have an international right to seek asylum if they are in fact genuine refugees then they are accepted into Australia. If they are not, they are returned to their source country.

BRANDIS: Yeah, but no...

EMERSON: I don't think it's helped - I don't think it's helped by using terms like illegal, boat people, these people, that sort of language is just meant to inflame.

BRANDIS: Well yes I can use those - you've used those phrases yourselves Craig and not - and by the way, I'm not saying this to inflame anything. The - the pity about this debate, the pity about this debate, is whenever anybody raises concerns about illegal immigration, the other side immediately - people who take a pro-refugee view, immediately assume bad faith.

Now this is not an issue raised by people in the community in bad faith. Every country in the world is entitled to protect its borders. The reason this is an acute issue for Australia is that uniquely among most co...well not quite uniquely, but Australia's one of the very few countries in the world, all of whose borders are maritime.

KING: Yes, but...

BRANDIS: If Australia were landlocked...

EMERSON: I think he's trying to say we're an island.

KING: Well can I just pick you up there, Senator George Brandis. You say it's about protecting our borders, but there's not the same emphasis, is there, put in to protecting our borders against people bringing in drugs, for example.

BRANDIS: Yes there is. The Australian Customs Service polices particularly the north west of Australia with surveillance aircraft all the time. You know, as Shadow Attorney-General I have responsibility for this area, and I can assure you that the Australian Customs Service does a tremendous job.

KING: All right. Let me ask you one other question that I wanted to know more about, George Brandis. Churches or charities could pay a bond worth tens of thousands of dollars to sponsor a refugee from a foreign detention camp. How would that work under your policy?

BRANDIS: Well pretty much as you described it. I mean there are - never forget, Madonna, that there will always be vastly more people in the world seeking a safe haven from persecution than there are trying to get into Australia, and the question is, it ha... through what orderly process we administer a humane refugee policy.

Now the Coalition, the Liberal Party and the National Party think that one way to do that would be for churches and community organisations, which have a genuine and humane concern for these people, to put up a bond, to sponsor them, and so that people who are waiting in one of these terrible refugee camps that exist in the third world can be the beneficiary of their charity.

KING: All right. Can I just move on to the election with both of you - and talk is that it will be sooner rather than later. The date of 21 August is now being flagged. Craig Emerson - Julia Gillard knows, who is she likely to consult before going to see the Governor-General?

EMERSON: I don't know is the truth. She would form a judgment as to when to hold the election by talking to some of her senior Cabinet colleagues.

I'm guessing that she would talk to the Deputy Prime Minister. That would seem appropriate. Wayne Swan - she would talk to her advisers.

KING: So candidates are only told when they hear the news report that she's on her way.

EMERSON: This is right, this is what's happened in the past anyway. I can't predict the future. But this is absolutely right. I remember, Madonna, in 1998, when I was seeking the - to win the seat of Rankin, we were having a meeting outside, and the television was on inside, and Today - a Sunday program was rolling forward, and we were saying oh, it won't be long. You just kind of had a feeling.

And there it was - the photo of the white car with John Howard and the fluttering flag going up to Yarralumla. And I think you just sort of get a sense as to when an election is imminent.

KING: All right. Can I ask you the same, George Brandis? When John Howard would go to call an election, or the last election, did you kind of know it would be on that day? Or would you turn on the news or get a phone call from a staffer saying it's on?

BRANDIS: No, not many people get advance notice. I think the way Craig's described the process is pretty much the same on both sides. In my own case, at the time of the 2007 election, I think it was called on a Sunday morning and I got a text message, as did all Liberal Members and candidates, to say that the Prime Minister was on his way to Yarralumla.

KING: All right, so just that - the rules here, it has to be called, is it 33 days before?

EMERSON: That's right. That's just the time required to get all the rolls in order, but, you know, get the polling booths organised with - you know, with the officials who run those, that sort of stuff. So it's usually 33 days.

BRANDIS: That's the minimum length of time. It could be longer.

KING: And will we both expect a minimum this time around, would we?

EMERSON: I couldn't again speculate on that. I think John Howard, George, had run a five week campaign, in 2004, against Mark Latham, we ran a very long campaign. It might have even been six weeks. Bob Hawke ran a six week campaign in 1984 and it went really badly. So I - again I just don't think that you can say in advance how long a campaign's going to be.

KING: George Brandis...

EMERSON: But it's somewhere between the 33 days and a maximum I think of six weeks that I've ever experienced...

KING: Yeah, George Brandis.

BRANDIS: Sorry, what's the question?

KING: Would you be expecting a short campaign?

BRANDIS: I have no idea.

KING: So what...

BRANDIS: I mean this is the Labor Party's call.

KING: Yes, I understand that, but we're just trying to educate our listeners too on how this works, so we...

BRANDIS: Well I honestly don't have a view as to the likelihood of there being a long or a short campaign. This is ... these are decisions that are absolutely within the Government's control and almost invariably, as Craig has pointed out, within the knowledge of a very small number of people around the Prime Minister.

KING: All right. I was just wondering - you've been in there for a long time - whether you thought that Julia Gillard would go strategically for a shorter amount of time than a longer one. But going on the 33 day rule, the earliest it could possibly be would be August 14. That's right, isn't it.

EMERSON: I haven't been concentrating on it Madonna.

KING: Sure sure.

EMERSON: I haven't - I just, it'll be when it is, and I'll get notified probably the same way that George got notified in 2007.

KING: And when you were notified, just say you get a text saying that the election is about to be called, do you pack a bag and expect not to be home for a month? Or how do you decide where you go each day of the campaign?

George Brandis.

BRANDIS: Pretty much. It's pretty much like that for ministers and shadow ministers - there are always programs prepared in advance by the people who put together the campaign. And you know, the one thing that does happen in a campaign is that - and this happens on both sides - is that the people running the campaign sort of become very important in scheduling.

KING: Yes.

BRANDIS: And the autonomy of particularly sort of middle-level front benchers is - we basically are consulted by them about which electorates to visit and which States to visit.

KING: All right. We have to leave it there. But both of you we will talk to each Wednesday during the campaign.

EMERSON: Sounds great Madonna.

KING: And we look forward to that...

BRANDIS: Thanks Madonna.

ENDS