



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

Transcript  
Sky News AM Agenda with Kieran Gilbert

26 July 2011

E&OE

---

*Subjects: Malaysia asylum-seeker deal, Norway massacre: video games and gun laws.*

---

KIERAN GILBERT: We'll be joined shortly by the Shadow Attorney-General Senator George Brandis. First, though, the Trade Minister Craig Emerson with me here in the Canberra studio.

Minister, thanks for your time.

CRAIG EMERSON: My pleasure.

GILBERT: The Malaysia deal: there's a lot of uncertainty still around, even though the deal's been done. There's, you know, question marks as to whether it will work once that 800 quota is full. What does the Government do then?

EMERSON: The idea here is to break the people smugglers' commercial cycle; if you like, the offering that they have to make. And it would be a rather poor offering from this day on, where the people smugglers effectively would be saying to clients, 'get on a boat, pay a lot of

money to us - the people smugglers - take a risky journey to Australia, Christmas Island, and within a matter of days you'll be in Malaysia', which is where many, if not most of the people came from in the first place.

So for this cycle to go from a country of origin, through Malaysia, through Indonesia, to Australia and back to Malaysia, doesn't sound like a really attractive commercial prospect.

GILBERT:

But the Government for so long argued that it was the push factors that were to blame, not the pull factors. Now it seems there's a much heavier focus on what's described as the pull factors, the attractiveness of the proposition once people get here.

EMERSON:

Well, of course, people are fleeing from different countries and it wasn't only Labor people who said the push factors are enormous; that's actually a direct statement of Malcolm Turnbull's, that the push factors are enormous. Having lobbied into the region, the question then is what are the incentives from this day on; for people to get on that boat, take a real risk with their lives, to turn up in Australia, just to go to Malaysia?.

GILBERT:

But there's been a shift in tone from the Government as well on this.

EMERSON:

I think that there's general community consensus on this...

GILBERT:

The sort of realise ... sort of realisation that your other policy just simply didn't work.

EMERSON: I think there's a general consensus on this: that neither political party wants to see people risking their lives on these dangerous journeys. What we need to do is to break the people smugglers' model and that's what this is designed to do.

GILBERT: Politically, the ideal scenario for the Government would be to have this off the agenda, wouldn't it; just to not be having to discuss this issue, because it's been such a weakness for Labor for so long?

EMERSON: Well, again, we have consistently said that we don't want people arriving by boat, making that risky journey, risking their lives as we saw late last year, losing their lives. And that's not the first time in the last decade or so that asylum seekers have lost their lives. This has not been an issue marked by partisan support. However, I think it is true of all political parties that we don't want to see people making that risky journey and losing their lives.

GILBERT: And obviously no bipartisan support on this issue. In fact, you don't even have the support of the Greens. Let's hear Senator Hanson-Young, the Greens spokesperson. She was on *Late Agenda* - spoke to Helen Dalley last night.

[Start of excerpt - interview with Senator Sarah Hanson-Young]

SARAH HANSON-YOUNG: How are these protections going to be implemented and overseen? And what happens if there is a breach of these protection mechanisms? What happens if children, who we're seeing there, are not going

to get the protections that in this document we're being asked to believe will happen.

[End of excerpt]

GILBERT:

Senator George Brandis with us now from Brisbane.

Senator Brandis, this is an argument similar to what Scott Morrison's been making as well, that the government can't guarantee protection of the asylum seekers once in Malaysia. But more broadly, if the government stops the boats - it's already slowed the boats - if it stops the boats, the Coalition will have to accept that this was a successful policy.

BRANDIS:

Well, a couple of points there Kieran. First of all, the Government hasn't slowed the boats. Let's put this into the context that this is a problem of the Labor Party's own making. And so I heard Craig Emerson crying crocodile tears about the fate of asylum seekers. The fact is that it's almost three years since the Government abandoned the tough policies of the Howard Government, which had solved the problems.

In six years, until the tough policies of the Howard Government were abandoned, there were only 18 boat arrivals, an average of three a year. The problem had become negligible. But this Government, the Labor Party, didn't have the policy courage to stick with those tough policies. They re-opened the floodgates of the people smugglers. And in the years since we've had about 150 boats arrive. We, today, have more than 5,000 people in detention, including some 1,000 children.

So, you know, the crocodile tears don't wash with me, given that this is a problem that the Labor Party created. It replaced a solution with a problem.

Now in relation to what Senator Hanson-Young has said - what Senator Hanson-Young has said is no different from what Andrew Metcalfe, the Secretary of the Immigration Department, told a Senate Estimates hearing about two months ago. And don't forget, Kieran, that although the politicians go to the signing ceremonies and make the announcements, the details of these agreements are negotiated at an officials' level.

Mr Metcalfe, the Secretary of the Department, who was primarily responsible for this negotiation, said without any hesitation, 'there is no capacity to enforce Australian law in Malaysia'. That once ... that if this deal were to be done, these asylum seekers would be subject to Malaysian law, just like everybody else in Malaysia.

GILBERT: I will ... I'll ask...

BRANDIS: And there is no enforcement capacity at all.

GILBERT: I'll ask the Minister about that in a moment. But let me ask you just another thing on the broader issues Senator Brandis. If the Government can lock in a deal with Papua New Guinea - they're still in talks with PNG - and get a substantial regional approach to this problem which, of course, is cross-border in its nature, that would be ... that would be a success rather than the one-off unilateral policy that the Coalition had with Nauru.

BRANDIS:

Well, you know, I think one thing that after nearly four years of Labor Government the Australian people are well used to, is you judge this Government by their performance, not by their promises. The performance of this Government on border security has been lamentable. As I said before, a 100 ... approximately 150 boats have arrived in the last three years.

There is a solution available: the Nauru solution, which worked for the Howard Government, and it is ... in which the people, the refugees, would be in immensely more favourable circumstances than the risks to which they are being exposed in Malaysia.

But it ... merely because of the stubbornness and wilful pride of this Prime Minister...

GILBERT:

Okay.

BRANDIS:

...not to ... not to be seen to be admitting that the Howard Government got it right. That obvious solution is not being considered.

GILBERT:

Is Nauru ... is it anything but Nauru, this policy, as Senator Brandis is alluding to there. And the other question that he put - I think it's a fair question: what can the Government do once the asylum seekers are on Malaysian soil? There's only ... there's very little the Government can do to ensure that the deal done yesterday is going to be in force?

EMERSON:

One of the defining features of this deal is the involvement of the United Nations High Commission for Refugees. Now, George has just said 'well, you know, Nauru was

completely humane'. The United Nations High Commission for Refugees, when Nauru closed, actually said 'this ends an unfortunate chapter in Australia's treatment of asylum seekers'. The United Nations High Commission for Refugees never supported the so-called Pacific Solution. It was expensive and people were left there for very, very long periods of time with impacts on their...

GILBERT: They actually don't support ...

EMERSON: ...mental health.

GILBERT: Their support for this plan isn't outright, either. They'd rather the Government ... they've said they'd rather the Government process the asylum seekers here. So their support for this ...

EMERSON: Look, they...

GILBERT: ... is lukewarm as well.

EMERSON: All I'm saying is they are co-operating with the Australian Government on the Malaysian deal. They did not co-operate with the Coalition Government. They actually criticised the Coalition Government. So much for George's sense of humanity. And by the way, something in the order of 70 per cent-plus of those who went to Nauru ended up in Australia anyway.

So there was a so-called "Pacific Solution", to a regional problem. What we are seeking and we are obtaining is a regional solution to a regional problem. That's what we've consistently said.

GILBERT:

David Speers, my colleague, spoke to Chris Bowen yesterday after the announcement in Malaysia, and about one of the back-flips that the Government has undertaken in the last 24 hours: and that is to process the 500 or so asylum seekers that have arrived here in the last couple of months, in Australia, and not in a third country.

This was the Minister in response to that.

[Start of excerpt - interview with Chris Bowen]

CHRIS BOWEN:

It's a change of position, but it's the appropriate thing to do; the only responsible decision. Papua New Guinea, it's well known we've been in discussions with them. They have taken longer than people might have expected, but the Malaysian arrangement, we thought, was very clear. We agreed with Malaysia that it's appropriate we send a neat and clear signal that from today the next 800 arrivals are liable to this arrangement.

[End of excerpt]

GILBERT:

Chris Bowen talking to us from Malaysia late yesterday.

Senator Brandis, given the Government is wanting to pursue that PNG option, is this really a hanging offence, the fact that they've decided to process those asylum seekers here? It was the only real option, wasn't it?

BRANDIS:

Well I don't think that's right at all. I mean the fact is that the Government's policy has been mired in confusion and back-flips from start to finish on this. And I heard what Craig Emerson

had to say about Nauru. The fact is that Julia Gillard, in one of the many twists and turns in the argument that she is... in the position is trying to maintain, said 'well, look, we can't send asylum seekers to Nauru, because Nauru is not a party to the Refugee Convention'. But neither is Malaysia. And what Craig Emerson said before is quite misleading. This arrangement has not been endorsed by the UN High Commissioner for Refugees ...

EMERSON: I said, George...

BRANDIS: The UN High Commissioner ... the UN High Commissioner for Refugees...

EMERSON: Don't misquote me.

BRANDIS: Well you said...

EMERSON: Don't misquote me.

BRANDIS: ... you said that the UN High Commissioner for Refugees...

EMERSON: I said that the United Nations High Commission...

BRANDIS: ...has been involved in this process...

EMERSON: George, don't misquote me, as you do every week. What I said...

BRANDIS: Craig ...

EMERSON: ... is that the United Nations High Commission for Refugees is working with the Australian

Government on this matter. The United Nations High Commission for Refugees condemned, condemned the so-called Pacific Solution. That's a big difference, George.

BRANDIS: Let's ... let's get this straight. Let's get this ... let's get this straight. When you use those weasel words Craig, "working with the Australian Government..."

EMERSON: "Condemned" is a strong word.

BRANDIS: "...working with the Australian Government", the UN High Commissioner for Refugees has not endorsed this deal. And if you saw their spokesman on *Lateline* last night, she has very serious reservations about it; about its human rights consequences; about its consistency with the Refugee Convention to which, as I said before, Malaysia is not a party; and as to its operability. So please don't try and invoke the UN High Commission for Refugees...

EMERSON: And Scott Morrison ... and Scott Morrison advocated an Iran solution, on the basis that Iran is a signatory to the Refugee Convention. Now you talked earlier George about how Australian laws wouldn't apply in Malaysia. Well I can tell you...

BRANDIS: Well they don't.

EMERSON: ...this: they wouldn't apply in Iran, that's for sure. So ...

BRANDIS: Look, the fact...

EMERSON: ... much for Scott Morrison's creative thinking. So much for Tony Abbott's deep concern about ...

GILBERT: Okay, let's...

EMERSON: ...asylum seekers...

GILBERT: ...let's give Senator Brandis a quick response.

EMERSON: ... where he actually said to Andrew Wilkie he'd double the humanitarian intake. And when we say we'll take an extra 1,000 a year, he says this is a really dud deal.

GILBERT: Craig, we've got to go to a break. Just Senator Brandis quickly - your response to that?

BRANDIS: Well, I think what we're hearing from Craig is an attempt to paper over the fact that this is a non-solution. It's limited to 800 people. It's ... there is no capacity of the Australian Government to enforce it. Australian law... the writ of Australian law doesn't run in Malaysia, indeed in any other country. So what we're depending upon is the goodwill and good faith of a Malaysian minister who happens to be in power at the moment and in the nature of things one day will no longer be in power.

This is a shocking position of peril in which to place these people.

GILBERT: Okay. We've got to take a break. We'll be right back. Stay with us on *AM Agenda*.

[Unrelated item - advertisement break]

GILBERT:

Welcome back to *AM Agenda*.

In the wake of the Norway tragedy, the Australian Christian Lobby is calling for a crackdown on violent video games. I spoke to the Christian Lobby managing director, Jim Wallace, earlier this morning.

[Start of excerpt - previous interview with Jim Wallace]

Jim Wallace, thanks for your time, off the back of this...

JIM WALLACE:

Thanks Kieran.

GILBERT:

... tragedy in Norway. What are you calling for? You're calling for some games to be banned; for tougher restrictions? What exactly do you want?

WALLACE:

Yeah, we already have a situation, Kieran, where we have games which should not be in there, because of the gratuitous violence in them, slipping into MA15.

And if we are going to increase the likelihood of those games being available - and remember this *Modern Warfare 2* that this man claimed was the best simulation he had in preparation for what he did - this *Modern Warfare 2* is already there, available at MA15, which it should never be. Because this game has, for instance, a scenario - and as soon as I heard the reports of the victims who said that this man walked around methodically, just shooting people as if they were not human-beings; he'd clearly dehumanised them - this was exactly what you see the shooter do in

this airport theme of *Modern Warfare 2*, where he even goes to the point of shooting ... pumping bullets into people who are clearly wounded, you know.

GILBERT: But isn't there conjecture as to what sort of impact a game would have on someone that was clearly deranged already?

WALLACE: Yeah, I suggest to you that the weight of professional opinion is very much in favour of there being a connection. We have the American Psychological Association, the American Paediatrics ... or Academy of Paediatrics. And we had - and I presented this at the standing committee for Attorney Generals only last December - that we have 112 signatories of professionals and academics in the field, from right around the world, who have said there is a link, you know; who have said, among other things - and this really resonates when you think of what happened in Norway - that it desensitises people to violence, you know. It dehumanises people.

GILBERT: But did you want the games ... do you want the games banned outright, or given a tougher classification, or do you want them...

WALLACE: I want them ... I want them...

GILBERT: ... gone altogether?

WALLACE: No. I want the games banned, or those parts of them that contain gratuitous violence. Those parts of them that provide the training simulation for someone as deranged as this man in Norway, again, will be taken out, you

know. I mean it's just a nonsense for the games industry to suggest that if this is done suddenly people will stop gaming. What we've got to do is we've got to provide the games, but we've got to make sure that the games are acceptable in a civil society.

GILBERT:

You're a former ...

[End of excerpt]

Jim Wallace there from the Australian Christian Lobby.

Senator George Brandis - and Craig Emerson's with me here as well - Senator Brandis, tell me what do you make of what Jim Wallace had to say there. Are you sympathetic to his views?

BRANDIS:

Well let me make a couple of points Kieran. First of all I haven't seen the game that Jim Wallace has been describing, so I obviously reserve any comment about that specific instance.

I've got a degree of sympathy with what Jim Wallace has to say. I think that although my natural disposition is against censorship, we do have a classification system which the Opposition supports. And that classification system includes the .. a ... the capacity of the Classification Authority to refuse release in the case of extremely violent video games, or games that are otherwise so out of keeping with community standards that they ought not to be released.

Now how the authority applies that standard to individual games, really you have to look at it on a case-by-case basis. But, finally, let me make this final point: that the terrible events that happened in Norway were, as far as I can see, an act of cold-blooded political terrorism. This man was ... behaved as much like ... as a terrorist, as much as the people who blew up the London Underground of some years ago, or the Madrid train bombers, were political terrorists.

He sought to use violence in a deliberate, purposeful, cold-blooded way in order to achieve political outcomes. So I wonder - you know, these events always have many causes - but I wonder whether in this particular instance the availability of a video game was the proximate cause, or whether the cause was, in fact, that this man, in a cold-blooded and wilful way, decided to commit an act of terrorism.

GILBERT:

Trade Minister Emerson, what do you think about this idea of the Government being more vigilant on violent video games? And also Bob Brown calling for a restriction on hand guns - tougher laws on Glock pistols and so on.

EMERSON:

Congratulations to George Brandis, in what he's just said. I absolutely agree with him and this was an act of terrorism. And to see those young children lose their lives, it was just appalling ... absolutely appalling.

On the video game issue, the Justice Minister, on behalf of the Gillard Government, is seeking state agreement on an 18-plus classification for violent games. And George is

right that, you know, there is capacity to ban extremely violent games.

Thank you George for describing this man as a terrorist - because he is. I don't care what a person's ideology is, if they, for their warped beliefs, go around killing people, including very young people like this, they are terrorists and they are damn bastards for doing it.

GILBERT:

And what about the idea of a ban to ... a ban on semi-automatic pistols? This is something being pushed by Senator Brown of the Greens; also the National Coalition for Gun Control arguing, today, that there should be a ban on semi-automatic pistols.

EMERSON:

Yeah, look, I'd take that on notice. I'm aware of that proposal. Again, while I'm in the mode of congratulating Coalition members, congratulations to John Howard for what he did on gun control. I think it was in 1997, following the Port Arthur massacre. So look, I think...

GILBERT:

But you'd be open to the idea of Glock pistols, for example, tougher rules on that?

EMERSON:

Yeah, it would be wrong for me to make a determination on that here. Just suffice to say that I think the use of weapons that enable people to commit mass murder, in the name of religion - whether it's Christianity, or Islam or any other religion - is a terrible thing. And that to see these young people lose their lives because they actually had a belief in fashioning a better world, a more decent world, is just horrible and it was an act of cowardly terrorism.

And I finally say this: we should not give any publicity to this bloke who did this, because that's what he wants. He wants to stand up and share his crazed, violent ideology with the world; seeking to convert them to his bizarre, vicious cause, and we should not give him that satisfaction.

GILBERT:

Craig Emerson and Senator Brandis, appreciate that.