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ABC TV Lateline
With Tony Jones
4 August 2009

TONY JONES: A short time ago, the Consumer Affairs Minister Craig Emerson joined us to discuss today's developments in the fake email affair.

Craig Emerson, thanks for joining us.

CRAIG EMERSON: Pleasure.

TONY JONES: Let me start by putting the Opposition's position to you: Malcolm Turnbull's off the hook on the fake email scandal. He was an innocent dupe of a manipulative public servant.

CRAIG EMERSON: Well, Malcolm would say that, but that is completely astonishing if that's the assertion that Malcolm has really arrived at in his press conference today. The truth is Malcolm Turnbull's credibility is smashed. He collaborated with Mr Grech. He created the impression that the evidence being given in that Senate inquiry was fresh evidence that was spontaneous, that these were great revelations, but he was involved with Mr Grech in working out the questions that would be asked and the answers that would be given. Now, in fact some of the questions were asked verbatim. Malcolm Turnbull did not want the Australian people to know that. He was quite happy to create the false impression that this was just all unfolding before our eyes. But he had met Mr Grech in Sydney one week before the big hearings in the Senate. And that shows that he can't be trusted. He was quite happy to mislead the Australian people on this.

TONY JONES: Alright. Let's go through that, because this is what happened: Mr Turnbull today released some of his correspondence ...

CRAIG EMERSON: Some. Yeah, indeed.

TONY JONES: ... from Godwin Grech to prove his innocence in this matter. What you're referring to is a document headed "Possible Questions for Estimates", which does give a list of questions and in brackets, the answers ...

CRAIG EMERSON: That Mr Grech would give, yeah.

TONY JONES: ... that Mr Grech would give. You're saying that list was followed?

CRAIG EMERSON: That list, in many places, was followed verbatim. Now, the question for Mr Turnbull for tomorrow is this: he now needs to release any and all communications and documents exchanged between himself, his office and Godwin Grech, leading up to the Friday Senate hearings, where once they finished, Malcolm Turnbull called for the resignation of the Prime Minister and the Treasurer of this country, said that they had lied to the Australian people, whereas all along Malcolm Turnbull had been working hand in glove with Godwin Grech in coaching and getting the evidence together, and then says, "Wow, what a shock!," and holds a press conference, deliberately misleading the Australian people that this was all unscripted, all spontaneous and that he was shocked at these revelations.

TONY JONES: You're saying that, with the release of the correspondence, we're only seeing one half of it, is that right? There's nothing to compel Malcolm Turnbull to release the other half. There was a Federal Police inquiry.

CRAIG EMERSON: Other than a sense of decency. Other than a sense of decency and an attempt to retrieve any shred of credibility, because he has created the impression, not just with Kevin Rudd and Wayne Swan and the Labor side of politics, but more importantly by far, with the Australian people that this was just all unfolding before our eyes. It was carefully scripted. Now the question is: where is the correspondence? What correspondence? What communications, emails, what coaching occurred before the Friday, 19 June evidence that was given? Given we know that there was coaching, we know that there were exchanges of emails, which were followed verbatim in the previous two inquiries.

TONY JONES: There is a problem with that analysis because the document you're talking about, Mr Grech's document, which as we said, rather helpfully includes the answers that he would give, that's not so much them coaching him, as much as the witness coaching the questioners. It's the other way round. The shoe appears to be on the other foot, which is of course Mr Turnbull's defence.

CRAIG EMERSON: Well this is Malcolm's - this is his argument. The only regret that he expressed today was that he'd ever met Godwin Grech. What about expressing some regret that he had worked with Mr Grech in misleading the Australian people in a Senate inquiry - not in a press conference, in a Senate inquiry. And that's what he did. He worked with Mr Grech over a sustained period of time, including exchanges of correspondence, scripts which were then followed verbatim, and he now says, "Well, I'm the victim. Poor me, poor Malcolm." How about an apology to the Australian people. No, not from Malcolm Turnbull, 'cause the only regret he has is that he ever met Godwin Grech.

TONY JONES: Wouldn't this be standard practice in Senate hearings, that senators, in many cases, know exactly what to ask to elicit the sort of responses that are gonna get a political outcome?

CRAIG EMERSON: Well, working with someone in the Treasury and you're in the Opposition - this is actually what Malcolm says: "It's quite common for me to ring up Treasury officials on a Saturday afternoon." Well, that's news to me. What, was he just going through the telephone book, "Oh, A, B - oh, G, Grech! I'll ring this fellow out of the blue." Well of course he knew him.

TONY JONES: He's certainly come clean on that.

CRAIG EMERSON: Well he had to.

TONY JONES: I mean, he says - well in fact, he argues this is the very reason why they put so much credence in what Godwin Grech had to say, because it was someone, "we knew very well". They knew he was a senior public servant. They trusted him in the past. Presumably information they'd got from him in the past had panned out.

CRAIG EMERSON: Well, you see, he can't have it both ways, and Tony Abbott was saying this on 7.30 Report. They're basically saying, "Well, Godwin Grech was a career public servant and we just took him at face value because he's a career public servant." But then, when he was in trouble, when the fried rice was hitting the fan, they leaked the fact that they had been working with Godwin Grech - or at least an assertion - for a long period of time. And in these exchanges of emails and documents, Godwin Grech apparently says, "I am Lib." So they know his political affiliations. When it suits him, he's just a whistleblowing public servant of the highest integrity, and when it doesn't suit Malcolm Turnbull, he's very unreliable.

TONY JONES: Well, I mean, Tony Abbott does make the point that in another context, Mr Grech might well have been seen as a heroic whistleblower. I mean, both sides of politics rely on public servants like Godwin Grech to give information to the Opposition or indeed, his case, to the Government.

CRAIG EMERSON: And in what other context?

TONY JONES: About what's going on inside the public service and what's going on behind the scenes of government.

CRAIG EMERSON: And in what other context? The other context where Godwin Grech didn't write "I am Lib" on the document? I mean, they knew he was a source of information. Certainly they were asserting that. And then they say, in the same breath, "Oh, he was a career public servant; we took him at face value." Well, anyway ...

TONY JONES: I think they're actually arguing he's a career public servant who's someone we knew very well, meaning ...

CRAIG EMERSON: In other words, they were in on the caper, they were in on the caper - that's what they're really saying.

TONY JONES: Well, I suspect that's correct.

CRAIG EMERSON: Yeah, exactly.

TONY JONES: Not that they were in on the caper, but knew him to be a Liberal sympathiser.

CRAIG EMERSON: Exactly. And they were in on the caper to the point of exchanging correspondence, including scripts that were then followed. Now the point is: Malcolm Turnbull has lost the trust of the Australian people. This goes to the heart of his character. He engaged in a sham Senate inquiry. He let, and in fact asked, his senator, Senator Abetz, a senior Liberal senator, to create the impression that this was all happening spontaneously. At no point, right up to this moment, have we learned, until today, that in fact they sat together a week before working out what they were going to say, what they were going to do. And this guy wants to be Prime Minister and says, "I want to be trusted by the Australian people." He has betrayed that trust.

TONY JONES: Suggestion tonight coming from the clerk of the Senate, I believe, that there may have been a contempt of the Senate. Is that - do you know if that's the case?

CRAIG EMERSON: Well it is - I do know that there is a suggestion from the clerk. There was an attempt by Labor Senators to get a privileges committee hearing up on this, and that was defeated by Liberal and National Party senators. Now with these revelations about the exchanges of scripts - which were followed, which were followed very carefully. That must raise questions about Senate privilege - the contempt that they have treated the Senate. Now ...

TONY JONES: Who could get caught up in that? The Opposition Leader or only the Senator, Eric Abetz?

CRAIG EMERSON: Well, in a direct sense, Senator Abetz. But Senator Abetz was encouraged all the way by Malcolm Turnbull to do what he did and then was able to report back to him, "What a jolly good fellow I am. I followed the script very, very carefully," asked the questions verbatim. So Malcolm Turnbull was in on it, but in terms of any consequences, if a Senate privileges committee was a.) convened, and b.) found in contempt, that would be, in think, borne out with Senator Abetz rather than Malcolm Turnbull.

TONY JONES: He would face the consequences, is that what you're saying?

CRAIG EMERSON: Whatever consequences were agreed, but ...

TONY JONES: Once again, whatever happens here it's going to be political, isn't it, because there would have to be a vote. The senators on one side are

going to vote whether to have an inquiry into this before the privileges committee, and then of course there'll be a vote on political lines as to what the outcome of that inquiry is.

CRAIG EMERSON: Well I don't think there should be on this occasion. There are really serious issues coming out of today's documentation, and that is: treating the Senate with contempt; that is: misleading not only the senators in that hearing, but journalists and the Australian people, and using a Senate inquiry - you see, Senate inquiries are meant to have some gravitas, some weight, some authority, but when you completely abuse those processes by working on a script with a public servant, you know that you're misleading the Senate, you know that you're engaged in, basically, all sorts of chicanery here, and only now has that been revealed. At no time, Tony, at not time up until today has Malcolm Turnbull said, "Look, OK, fair cop, I did have communications with Godwin Grech that led us to these documents and scripted questions and answers."

TONY JONES: Alright. It wasn't only in the Senate, either. I mean, a series of questions were provided to ask in Parliament, and some of those were also asked in Question Time. But here's the thing: doesn't this whole scandal strip away the veneer of public servants independence, when, in reality, most public servants do have political views, and some of them at least are - at least will work for the interests of the political party that they support. This is not that unusual, is it?

CRAIG EMERSON: Yeah, it's a good question. I think it is highly unusual. I was a public servant in Canberra, quite a few years ago now.

TONY JONES: And look what happened to you.

CRAIG EMERSON: And look what happened - assistant secretary in the department of Prime Minister and Cabinet. It would be extraordinary, extraordinary if any of this had unfolded at that time. Of course everyone's got a political view.

TONY JONES: Did you ever blow the whistle?

CRAIG EMERSON: No, I didn't.

TONY JONES: You would've had Labor sympathies in those days. Did you take secrets to the Opposition or to the Government from inside the department?

CRAIG EMERSON: Well, it would've been to the Government. There were no secrets, I guess, to take. But my point is: it is extraordinarily unusual, and, in my view - and when we were in Opposition, I was in there for 10 years in Opposition. I never rang a public servant on a Saturday afternoon to have a little chat about how things were going. The disturbing thing about it is this: that Malcolm Turnbull regarded that as just something that you do in the normal course of events. I don't believe the Australian public service is

politicised. I think that this sort of behaviour is very unusual, and I hope and expect that to be the case. But the person who is in the gun on this is Malcolm Turnbull, and the distrust ...

TONY JONES: Alright, a final question on that because - has the Government made an assessment that this will destroy Malcolm Turnbull's leadership?

CRAIG EMERSON: Look, that's for the Australian people to decide, it really is. But what I believe has happened is that he's destroyed any trust that the Australian people could have in him by misleading them through this sham Senate process.

TONY JONES: Okay Craig Emerson, we'll have to leave you there. We thank you very much for taking the time to come in and talk to us.

CRAIG EMERSON: Thanks Tony. Thanks very much.