



THE HON DR CRAIG EMERSON MP
MINISTER FOR TRADE

Transcript
ABC 612 Mornings with Madonna King

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E&OE

Subjects: Asylum-seekers, Wayne Swan's award, At Home with Julia, Darren Lockyer's cheekbone, birthdays.

MADONNA KING: Now to our weekly squabble ... I mean *Inside Canberra* with Senator George Brandis and Dr Craig Emerson, two of our fine, upstanding Federal politicians. Senator, Doctor, good morning.

CRAIG EMERSON: Good morning Madonna, good morning fellow squabbler.

GEORGE BRANDIS: Well, I don't squabble Craig; you do.

EMERSON: No, no, peace in our time.

BRANDIS: Good morning Madonna.

KING: I'm going ... yeah peace in our time: I'm going to be the determiner of that. Let's ... let's get straight into this. And I want to start with

asylum-seekers, but I don't want it to ... to take 15 minutes to do.

George Brandis, how important is it to you and the Coalition that we process our asylum-seekers offshore?

BRANDIS: Well it's very important to us, because as ... could I... might I remind you Madonna, that offshore processing was a policy introduced...

KING: [Interrupts] Yeah we understand that.

BRANDIS: Well, can I finish please? Was ... it's important to us because offshore processing was a policy introduced by the Howard Government. It has always been our policy; it still is our policy. When we introduced it, the Labor Party condemned it. They've now embraced it and we're glad they've embraced it. And what we would like to see is for them in the parliamentary debate in the House of Representatives either today or tomorrow to support Tony Abbott's amendment to their Bill, which will make the Nauru option - the only option that's ever worked - possible.

KING: All right.

BRANDIS: And if they do, we will support their Bill.

KING: All right. You've said that it is very important to process our asylum-seekers offshore. But by not voting with the Government on the Government's Bill, aren't you forcing a situation where asylum-seekers will be processed onshore, which is something you've just told us you don't want?

BRANDIS:

No: in fact the absolute opposite to what you've just said, Madonna. We are proposing an amendment to put beyond legal doubt - we don't think there's a lot of doubt; but we accept the point the Government has made that there is some legal doubt following the High Court decision three weeks ago about Nauru - and we are proposing an amendment to put beyond legal doubt the Nauru solution, which of course was our solution.

KING:

But you know Julia Gillard is not going to support that. So by you taking this stance, asylum-seekers will be processed onshore?

BRANDIS:

Well, it's bizarre isn't it? The one ... if Julia Gillard ... and she has been saying that, that's true Madonna. The one solution that the Government rules out, that is Nauru, is the only solution that has every worked. That is Nauru. And we're moving an amendment to make sure that Nauru is okay and the Government is opposing it.

KING:

All right, can I let Dr Emerson have a say now, and I will come back to you. But Dr Emerson, likewise, I - just sitting here - I wonder, how much of Labor's argument is politics and how much is policy? Because you could say yes to Nauru and ensure those seeking asylum were processed offshore, but you're refusing to do that.

EMERSON:

In fact what George said is wrong. He's saying that the Coalition's amendment would make the Nauru option possible. The Labor Government's legislation would make the Nauru option possible. Now let's be clear about it. The Labor Government's legislation would make Nauru possible.

We are not seeking to prescribe to any future government what offshore processing location they should use. We are simply saying that the Government of the day should have the right both to protect Australia's borders and to protect asylum-seekers from...

KING: Okay.

EMERSON: ... taking these dangerous journeys across the sea.

KING: All right, well let's take that a step further. You ... you could say yes to Nauru and therefore our asylum-seekers would be processed offshore. By you saying no to that option that the Coalition wants, then you are having a situation that you have said since year dot you don't want: asylum-seekers processed onshore.

EMERSON: We have not said in this legislation that Nauru is out. What we are ...

KING: No, but stop playing, stop playing with semantics.

EMERSON: No, we're not. I'm not playing. There's a fundamental proposition that George just put to your listeners that a Coalition amendment ...

KING: Yes.

EMERSON: ... is needed to make the Nauru option possible. That is untrue.

BRANDIS: That's the whole point of our amendment. I actually wrote the amendment Craig. I know all about it.

EMERSON: That is untrue. That is untrue. George, in a moment of candour, would concede that our legislation makes Nauru possible. We - as a policy matter, not a legislative matter - are saying that Nauru won't work ...

KING: Yes.

EMERSON: ... based on advice from departmental officials who provided advice to the previous Government. And the reason is that it is now well-known that the overwhelming majority of asylum-seekers who went to Nauru ended up being resettled in Australia and New Zealand. And the people-smugglers know it, and they will advise...

KING: Okay.

EMERSON: ... asylum-seekers of that fact.

KING: All right. But can I come back to this issue and I'll go to both of you on this. You're both talking about the legislative and this policy and an amendment to this legislation.

But to people listening, Labor is putting to Parliament legislation it knows will be voted down. Onshore processes then will go ahead unless there's something that I don't understand. So why is it that we have to go through this waste of money, this waste of time?

EMERSON: It's not a waste of money or waste of time. Governments often put legislation to the Parliament to...

KING: That they know will be defeated?

EMERSON: Well I think that's happened many times. And what we need to do is empower not only this Government, but future governments - including a possible future Abbott Government - to make decisions to protect Australia's borders and to protect asylum-seekers. That's all we seek to do. We have a view that the Malaysian arrangement, based on advice, would break the people-smugglers' model, because it returns asylum-seekers to whence they came. That is ...

KING: Yes.

EMERSON: From whence they came: that is, Malaysia. That's the advice to us; that's why we opt for the Malaysian arrangement. The Coalition ...

KING: Yes, but what's Plan B? What's Plan B? Because you would concede that it seems that will fail. So what is Plan B?

EMERSON: Well, let's just see what happens. And I would be interested genuinely in George's view: is it the case that if this legislation does not pass that the Coalition will completely block it and, therefore, leave the only option available to the elected Government of the day ...

KING: George Brandis?

BRANDIS: Well let me correct a few things there.

First of all, the ... just so we can locate this discussion in the realm of fact rather than assertion, let me tell you what the figures were for Nauru. They were, while the Nauru solution was in operation, 1,637 asylum-seekers sent to Nauru, of whom 705 ended up in Australia. That's 43 per cent. So if ...

EMERSON: And New Zealand?

BRANDIS: And during that ... I'm talking about Australia...

EMERSON: I'm talking about Australia and New Zealand...

KING: How many went to New Zealand?

BRANDIS: About another 20 per cent or so. So it is correct to say a majority ended up in Australia or New Zealand; not an overwhelming majority. Most of them did not end up in Australia; 43 per cent did. So that's ... that's the first one.

EMERSON: I didn't say Australia; I said Australia and New Zealand.

BRANDIS: Well, the Prime Minister actually said 90 per cent had ended up in Australia at one stage, which was not true.

EMERSON: And she corrected herself.

BRANDIS: Now ... so that's that point.

Secondly, it's not right to say that Bills are defeated all the time. In fact, I thought it was

one of this Government's proud boasts that none of its Bills had been defeated, as indeed they haven't.

EMERSON: That's correct.

BRANDIS: Thirdly....

EMERSON: Hope springs eternal.

BRANDIS: We ... you asked, Madonna, my friend Craig, what's your Plan B?

KING: Yeah.

BRANDIS: Well, we've given the Government the Plan B. It's our Plan A and that is the Nauru solution.

KING: All right, but...

BRANDIS: ... by proposing the Nauru amendment.

KING: All right, but can you answer the question that was asked of you Senator Brandis: and that is, will you definitely vote down the legislation that will be put to Parliament?

BRANDIS: We will be proposing our amendment to make Nauru possible. If the Government votes it down, then it is our intention to vote against the Bill because the Bill, we think, will be ineffective.

KING: All right, forget all the legislative issues. And I know they are crucial and they are part of the process. But to people listening, does it strike you that listeners are thinking 'well, why can't

they work this out? Are they just going around in circles?’

BRANDIS:

Oh, I think that's exactly what your listeners, I imagine, would be thinking. But I think they'd also be thinking ‘well, it's not the Opposition's job to make it possible for a government to do something’ which we the Opposition think is a mistake, particularly when we the Opposition are offering them a solution which we know from history actually worked.

KING:

Well, Craig Emerson, can I end with you here: what do you say to listeners who are thinking ‘well, you're putting this legislation to Parliament; you know it's going to be defeated; well why are you doing that in the first place?’

EMERSON:

Well, we want to have the vote. I still have a glimmer of hope - maybe not well-founded - that the Coalition will understand that by voting this legislation down then the only alternative available to the Government of the day, whether it be a Labor Government or a Coalition Government, is onshore processing - which will mean that people-smugglers will entice asylum-seekers onto boats in very large numbers ...

KING:

Yes ...

EMERSON:

Very large numbers.

KING:

All right. Okay...

EMERSON:

Now, that is a responsibility of the government of the day to...

KING: All right, okay...

EMERSON: ... protect Australia's borders. That's all we said.

KING: You've answered that ...

EMERSON: All we said.

KING: But a supplementary question here. Your whole basis - your whole basis - for argument on this policy has been that it's an invitation to people-smugglers, if we start processing asylum-seekers onshore. If this doesn't work, would you concede, then, that your policy is in total disarray?

EMERSON: Well it's not ... our policy, as you well know Madonna, is for offshore processing...

KING: Yes.

EMERSON: ... because that is the only way of breaking the people-smugglers' model. We contend, and I think very reasonably to your listeners, that it is the right, indeed the obligation of the government of the day...

KING: Okay...

EMERSON: ...to be able to protect Australia's borders. That's all we seek. And the legislation ... the amendment that George is saying is necessary to make Nauru possible, that is untrue.

KING: All right, okay. We've gone through that and I want to move onto the next issue. So that's the asylum-seeker legislation, and we'll keep you across that.

But to George Brandis here, I'm just wondering if, George Brandis, you'd like to offer a pat on the back over Wayne Swan being announced the World's Best Finance Minister?

BRANDIS: Well, look, I've ... I'm not sure that I would wish that upon anyone. Because the ... this prize, apparently given by a finance markets magazine in Europe called *Euromoney*, has in recent years been awarded to Bear Stearns and Lehman Brothers, the two financial institutions in the United States whose collapse precipitated the global financial crisis. So I think if anything it's a hoodoo.

KING: Okay, okay. You don't think that ... you don't have it in you just to say 'well good on him'? It's only the second time in 30 years it's been given to an Australian.

EMERSON: Come on George.

BRANDIS: Well I ... I ... I...

EMERSON: Break the habit of a lifetime!

BRANDIS: I'm well known to be generous. But my point is that I think that I'd be insulting Mr Swan by ... by making merry of the fact that he's been awarded the same prize that Bear Stearns and Lehman Brothers were awarded by the same geniuses who awarded the prize to those failed institutions.

KING: Okay, let's move on. *At Home with Julia*. We all know it features a sex scene with the Prime Minister wrapped in an Australian flag. I know some MPs are unhappy about this. Wayne Swan told me before 9 o'clock he thought it was a ... a bit low-rent.

I'm just wondering - our listeners are divided on this, too - do you see something like this as genuine satire or do we risk being too disrespectful for the Office of Prime Minister? And I might start with Craig Emerson there.

EMERSON: I haven't seen the program. I don't particularly plan to see the program. Just based on reports, and this might be therefore a little unfair, it does seem to be a fairly indulgent sort of program for the ABC to run. But I guess it has to account to its shareholders who on this occasion are the Australian people.

KING: But indulgent or not, is it disrespectful or do you think comedy, and satire, can run that far?

EMERSON: It is really hard for me ... I will try to make a judgement about it, but it is based on actual newspaper photos basically.

KING: Yes. They're pretty descriptive.

EMERSON: I think ... yeah I think as the Australian people we are a bit apart from most countries of the world in that we're ... when I say ... we don't really hold politicians, you know, up on a pedestal of any description. We do like to be a bit disrespectful. Whether this goes too far, I suspect it does. I actually saw in the newspaper a photo ... the actress wrapped in an Australian flag.

KING: Yes.

EMERSON: I think that is disrespectful. I really do.

KING: I ... George Brandis?

BRANDIS: Well I'll tell you what I think.

First of all I think that politicians are fair game. And in Australia as in any healthy democracy one of the prices you pay for the privilege of public office is people have a right to mock you and satirise you, so that's fair enough by me.

Secondly, I think that what if people - and I agree with what I think Craig was about to say... was in the middle of saying just before - I think people are more offended by the use of the flag as a kind of prop in the sex scene than disrespect to an individual. And I think that the flag ought to be respected. And I think it's in extremely poor taste to be disrespectful of the flag.

But thirdly, I think, Madonna, the problem with this show isn't the sex scene, which none of us have seen; we've only read about. The problem with the show is that it's boring. I watched the first episode and I've seldom seen a less entertaining piece of satire. The only funny bit I thought was the fact that the little yapping dog was called Bill Shorten. Now don't laugh too...

KING: [Laughs]

EMERSON: No I just...

BRANDIS: Don't smile too widely there Craig. Don't smile too widely.

EMERSON: Just haven't seen it. Just haven't seen it. I'm just trying to envisage George in the nuddy wrapped in an Australian flag. But I'll just leave that ... we'll leave that to the imagination of your listeners.

KING: I'm certainly moving on. And let's move on from *At Home with Julia* to on the football field with Darren Lockyer. And you think you're covering the big issues - carbon tax and asylum seekers - well the biggest issue up here is whether Darren Lockyer should take to the field on the weekend or whether it should even be his call. Should it be his employer who makes that decision? Do you want to see him play, Craig Emerson?

EMERSON: It's hard for me to give definitive advice 'cause I don't know how bad the injury is. I will say this: Gerard Beale, who inadvertently gave him the injury, played with my son at Logan Brothers when they were about 10 years of age.

I do remember Brett Kimmorley having a similar injury. In fact he had a depressed fracture of the cheekbone. They put in plates which strengthened it beyond the strength of the bone. But he actually played very badly because, you know, you can't just ignore an injury of that sort. And I think the boss in this case may well be Darren's partner or wife.

KING: Okay, what about you George Brandis? Because a lot of listeners yesterday were of the view that is there a legal issue here. Is there a duty of care or Workplace Health and

Safety? When does an employer step in and say 'it's my job to make a decision like this; not the employees', I guess?

BRANDIS: Well, potentially, there is but I don't want to speculate on that. My instinct - and I always defer to Craig on issues of rugby league because he speaks with much more authority and, indeed, interest than I do about rugby league topics - but my instinct is that it's ...

EMERSON: C'mon the Dogs!

BRANDIS: ... the man's decision. I mean if Darren Lockyer wants to play, ultimately I think it's a matter for him. That's my instinct.

KING: You say you're not a league follower: what is the sport you prefer to follow George Brandis?

BRANDIS: I ...

EMERSON: Politics.

BRANDIS: [Laughs] I don't regard politics as a sport.

EMERSON: Some say it's a blood sport.

BRANDIS: Well I don't. I like cricket and tennis, actually, as an observer; not as a participant.

KING: Sam Stosur did pretty well didn't she?

BRANDIS: She did indeed.

EMERSON: She did exceptionally well and Bernard Tomic is very much on the up and up. He's only 18 still...

KING: Yeah.

EMERSON: ... and he's proving to be a very difficult combatant. I think even when Roger Federer beat him three sets to one he found it quite difficult to play Bernard Tomic ...

KING: He's kind of grown up on the public stage, hasn't he? It seems as though he ... can't believe he's 18...

EMERSON: Yeah, he was 14 when he, I think ... he won the Junior World Championships at the age of 14. So Australians have known of him for some time, and he's still only 18 but made the quarter finals not long ago at Wimbledon.

KING: All right. George Brandis, back to you. On Palestinian statehood: if a resolution was introduced to the General Assembly, how should Australia respond? And can either of you explain the process here? Can Australia actually abstain from voting for example?

EMERSON: Yes it can.

BRANDIS: Any country can abstain from a vote in the General Assembly. The Coalition's view is that Australia shouldn't support this particular resolution. I think it's bipartisan that Australia supports the two-state solution ...

EMERSON: That's right.

BRANDIS: ... so that there should be contiguous states of Israel and Palestine behind secure borders. But my understanding is that the terms of this resolution go beyond that. They contain gratuitous criticism of the nation of Israel. And for that reason we think that Australia should be voting against this resolution.

But you know, Craig has recently been Acting Foreign Minister Madonna...

KING: Yeah...

BRANDIS: ... and I think he would be a very good prospect in the coming Rudd Government to be the actual foreign minister, because there'll be a vacancy there when Mr Rudd becomes prime minister again. So perhaps this will be your decision, Craig.

EMERSON: George, you can be the shadow foreign minister in a Turnbull-led Government. But, in any event ...

KING: Craig Emerson, just explain to us how Australia makes its decision, then. And is our intention, then, to abstain from voting?

EMERSON: We'd want to see the resolution. George says he's seen it.

BRANDIS: I understand ... I've read an account of it.

EMERSON: I haven't seen a resolution. Our position is we want to see it. But I agree with the position of George, and that is what we want to see is a negotiated two-state solution negotiated by the parties. We're not going to make a decision

without seeing the resolution. But we do go back to home base, which is a negotiated two-state solution between Israel and the Palestinians.

KING:

All right. Can I just go with a bit of breaking news - and I cannot confirm this is ... or I can confirm it's right - that Darren Lockyer will not play in the semi-final. The announcement will be made at one o'clock today, but he will not play in the semi-finals. And that is the *Daily Telegraph* in Sydney reporting that.

EMERSON:

A smart decision, in my view, based on the Brett Kimmorley experience. He was very, very self-conscious about the injury even though, as I say, the repair work made his cheekbone stronger than its natural strength. But there's no doubt he was very mindful of that injury.

KING:

All right. Well, that comes from the *Daily Telegraph*. We'll see at one o'clock, but that's what they are saying: that he is definitely out of the semi-final; he is not playing in the semi-final. The ABC don't have that information yet. And as soon as we do I will let you know.

EMERSON:

And Gerard Beale to score two tries.

KING:

And Gerard Beale to score at least two tries. Can we win without Darren Lockyer? We've moved on from there.

Whose birthday is it today?

EMERSON:

Well it's not the PM's, because it's not 29 September.

KING: Right?

EMERSON: Well, I guess we could spend a lot of time listing people whose birthday is not today.

KING: It is a former prime minister. Give you any hints?

EMERSON: It's not Bob Hawke.

KING: No.

EMERSON: Could be Paul Keating.

KING: George Brandis?

BRANDIS: It's not John Howard's, is it?

KING: No.

BRANDIS: I don't know.

EMERSON: Malcolm Fraser?

KING: No, keep going. You'll get it.

BRANDIS: Keating?

EMERSON: I said Keating.

BRANDIS: Did you? I don't know Madonna. I'm at a loss.

KING: I think Craig Emerson, you probably should pick up the phone and wish Kevin Rudd a happy 54th birthday.

EMERSON: There you go.

BRANDIS: How quickly they forget.

EMERSON: Well, I hope people remember my birthday: 15th November, George.

KING: Fifteenth of November; and George Brandis, when is yours?

BRANDIS: My birthday is the 22nd of June.

KING: Twenty-second of June: I'll remember that.

EMERSON: And I'm so sorry I forgot.

KING: Gentlemen, thank you so much. I know there are tense scenes in Parliament. I appreciate you being cordial this morning. Look forward to talking to you next week.

BRANDIS: Thank you, Madonna.

EMERSON: Thank you Madonna. Bye, bye.

KING: Senator George Brandis and Dr Craig Emerson.