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Transcript
02 December 2009

Interview by Madonna King, Inside Canberra ABC Brisbane 612 radio
with Minister Craig Emerson and Senator George Brandis

Subjects: ETS debate, Liberal leadership ballot, potential election, Tony Abbott.

KING: As you've heard the Coalition is poised to vote down the Government's proposed emissions trading scheme in the Senate today. That means Kevin Rudd will now go to Copenhagen without the laws in place that he wanted. Let's go Inside Canberra to see how this might pan out. Senator George Brandis is the Opposition Attorney-General, good morning Senator.

BRANDIS: Good morning Madonna.

KING: And Dr Craig Emerson is a Minister in the Rudd Government. Good morning Doctor.

EMERSON: And hello to you Madonna and George.

BRANDIS: Good morning Craig.

KING: Senator Brandis what's going to happen in the Senate today?

BRANDIS: Madonna the Senate just resumed about 10 minutes ago. I'm told by the Whip that we expect the vote around about 11:30am Canberra time, so in other words in about an hour and 20 minutes. As you know, as your listeners know, after the election of Tony Abbott as Leader of the Liberal Party yesterday there was a policy change, and the Opposition will be voting against the bills, so will the Greens and the bills will be defeated.

KING: You said the Opposition will be voting against the bills. I spoke to one of your colleagues on air yesterday who said Madonna watch out for people they may cross the floor. I spoke to Tony Abbott this morning. He's saying he hopes that is not the case. Are you aware of any Liberal Senators who plan to cross the floor?

BRANDIS: Yes I am.

KING: Are you one of them?

BRANDIS: No.

KING: Enough to pass this legislation or you believe it will be doomed?

BRANDIS: I believe there might be two or perhaps three but there would not be enough to pass the bills.

KING: To you in just a moment Dr Craig Emerson, but just so that we understand George Brandis, your party had a secret ballot?

BRANDIS: Yes.

KING: And as a result of that secret ballot, the plan was to oppose this bill. If a Liberal Senator then walks into the Senate and decides to cross the floor and vote with the Government, should they be penalised?

BRANDIS: Absolutely not, and as I said this last week, this is one of the big differences between the Liberal Party and the Labor Party. The Liberal Party always has accepted that conscientious dissent which includes voting against the party's official position in Parliament is within our culture.

KING: Why have a policy?

BRANDIS: Let me finish. Until in fact yesterday, there were several, in fact about a dozen or so Liberal Senators who were opposed to the bills, who voted against the party's policy as it then was, which was to support the bills, and indeed Senator Minchin, the leader in the Senate, was prepared to resign his position in order to vote against the bills which he thought were bad policy. Now the party's position at the time was to support the bills. That changed yesterday when there was a change of leadership and so, conversely, the same respect is afforded to those of the opposite view who want to support the bills. Now the Liberal Party's position is to oppose them.

KING: All right, can I go to Dr Craig Emerson here, and doctor if what Senator George Brandis says is right, and there is insufficient support for your bill, this legislation will not pass. What happens from there?

EMERSON: It's an enormous setback for the country really.

KING: And certainly for the Labor Party?

EMERSON: We still have an hour and a half. Tony Abbott said there would be no recriminations. I know George is a supporter of this deal so there's still time George to cross the floor, but I'd say George would know more about what's going on in the Liberal Party and the numbers which on that basis it's unlikely to get up. It's our policy.

KING: What happens then, what happens in procedural terms? Guide us through it.

EMERSON: We go home I think. The Senate will finish today. The House of Representatives will finish today and there's a bill that's been defeated. By the way it's not the only one. It's the most important bill but there's a number of other bills that have not been passed by the Senate, or have been defeated by the Senate. Not the first time it's happened but this is a really momentous occasion.

KING: You say really momentous occasion. Kevin Rudd in one way has staked his leadership on climate change. If he doesn't get up this law would you expect us to be running off to an early election caused by a double dissolution?

EMERSON: Our plan has always been to get this legislation through. We have not been talking about double dissolutions. In fact it's basically been the Coalition who's been talking about early elections, including Christopher Pyne in fact picking the date today. He did George, he said 6th of March. He said, "I confidentially predict there will be an election on the 6th of March next year".

KING: I go to George Brandis here. If this is not passed George Brandis you're a lawyer, what do you think? You know Kevin Rudd fairly well, you've fought against him in a sense. What do you think he would be thinking?

BRANDIS: I have no idea. I don't know him all that well. But I would remind your listeners that as recently as two days ago from Port of Spain in the Caribbean where he was at the CHOGM meeting, Kevin Rudd ruled out an early election.

KING: You all do that though, you all do that.

BRANDIS: Well you know, we expect the Parliament to run its full term but, let me make this point very clearly, the Liberal Party is not afraid of an election on this issue. We think the public opinion has turned very sharply on the issue. I think you're picking it up from your listeners, if there were to be an early election, so be it.

EMERSON: George your opinion has turned very sharply on this issue. On this program last week you were confidently predicting the legislation would be passed.

BRANDIS: Well, I'm not making any secret of the fact Craig that with the election of the new leader of the Liberal Party yesterday there was a policy change. From time to time political parties change their policy. They usually do that in response to public opinion and I am not running away from that fact there was a policy change yesterday.

KING: Can I ask you that though Senator George Brandis? You supported this legislation. Does it mean that you don't have the courage of your convictions not to cross the floor? Why have you...

BRANDIS: Let me explain to you what our position always has been.

KING: Sure.

BRANDIS: The Liberal Party has always said that this is a bad scheme, a bad ETS. The Liberal Party has always said that it is outrageous that the Australian Parliament should be expected to vote on this legislation before the Copenhagen Climate Change Conference which is only next week. There is no urgency in this whatsoever since the legislation itself wouldn't come into operation for more than a year. The decision we made yesterday was a political judgement about whether or not to go along with the deal to knock some of the rough edges off the legislation that have been negotiated between Mr McFarlane and Senator Wong. Our view had been that in all the circumstances, notwithstanding that it was a bad bill. We were trying to make a bad bill less bad. We have reviewed the position and have come to the conclusion that in all the circumstances, even the concessions made by the Government, aren't good enough, that public opinion is absolutely up in arms about this and expecting us to stop this and we will.

KING: All right, can I just ask you there, when you say that public opinion is up in arms about this, do you believe voters don't want an ETS or they don't want an ETS before Copenhagen? Senator Brandis?

BRANDIS: I believe that voters want action on climate change. I believe voters have so far in this debate tended to identify ETS and action on climate change as being synonymous but I think that sentiment is beginning to change. But it is very clear that most people think that the Government is acting with unseemly haste in trying to force this through before the Copenhagen Climate Change Summit only next week, since the legislation itself isn't meant to start until 2011.

KING: Dr Craig Emerson, is that a fair criticism? Why does it need to be through in Labor's view before Kevin Rudd goes to Copenhagen?

EMERSON: So that we can play an active role in the global efforts to reduce carbon emissions...

BRANDIS: Oh that's nonsense.

EMERSON: ... because the business community, including the Business Council of Australia and the Australian Industry Group and another range of business organisations have called for the passage of this legislation which have been the subject of....

KING: Now?

EMERSON: Yes, yes indeed before Copenhagen, yes now.

BRANDIS: It has to be this week...

EMERSON: That is their statement and you know George and Madonna, your listeners know this – that the Coalition is not in favour of an emissions trading scheme, not now, not ever, never. Tony Abbott today ruled out a carbon tax even though he talked about one in the past. He said I was just speaking hypothetically. So nothing, nothing of any substance would happen on climate change under a Coalition Government. They just want to put it off forever, as they have done seven times with

seven different reports saying, let's wait till after this report or the Productivity Commission or Garnaut or the Green Paper or the White Paper. They just want to put it off forever.

BRANDIS: Listen mate you're making a fundamental error, which is the error that has bedevilled this debate. You are equating an ETS with action on climate change. They're not the same thing.

EMERSON: No, let's be clear on what I said. The Coalition is opposed to both an ETS not just this ETS, any ETS and a carbon tax. Now I don't know what you'll come up with as a policy leading into the next election but let's be clear that an ETS is the most effective way of delivering reductions in carbon emissions because it puts a price on carbon and then people then search for the best technologies and you're against it.

KING: Okay, let's come to that again in just a moment. George Brandis, in talking to Tony Abbott this morning I was asking him about the role of the Opposition and he was indicating that the Opposition needs to get away with coming out with a policy on absolutely everything, with costings on absolutely everything, that the role of the Opposition is to critically analyse a policy that the Government plans to introduce. Do you think the role of the Opposition has strayed into too much of the role of almost an alternative Government in recent years?

BRANDIS: Well the Opposition is the alternative Government but I agree with what Tony Abbott says, and can I just make this point? There is a time in the political cycle when the Opposition has to put its policies, its alternative policies before the public and that's in an election campaign. But during the course of a Parliament, when we are not in an election campaign, where the people are not being asked to choose between the two, then the primary role of an Opposition is to hold the Government to account and be a constructive critic of its measures.

KING: All right, that's Senator George Brandis and you're on 612 ABC Brisbane this morning. Also as we go Inside Canberra, Dr Craig Emerson, a Minister in the Rudd Government. Gentlemen can I get back to an issue we didn't get through, and that is the procedure from here in relation to all this talk about a double dissolution election. What would happen, what would need to happen for Kevin Rudd to call an election early next year?

BRANDIS: Well under Section 57 of the Constitution, if a bill is rejected by the Senate twice within the interval of three months, then he could ask the Governor General for a double dissolution election. Now that will happen because this bill will be rejected within the next hour and a half so he will have the trigger. He doesn't have to use it and I think most people would think very poorly of him if he did call an early election merely because he had the constitutional opportunity to do so.

KING: Well all right. What is the earliest George Brandis we could have that election? Doing the numbers in terms of ...

BRANDIS: Theoretically he could call it this afternoon but given that we're in the Christmas holiday season nobody expects that were there to be a double dissolution

election it would be called before the end of the holiday season, perhaps at the end of January, beginning of February if that were to happen.

KING: Do you think Christopher Pyne could be right when he says March the 6th or do you think, would your expectation be that the election would be more later next year?

BRANDIS: Look I continue to live in the hopeful expectation, an expectation much shaken by conduct and precedent, that Kevin Rudd will be as good as his word and let the Parliament run the full term.

KING: But if you think people are so opposed to an ETS, why wouldn't you say bring on the election, let's have it in March, we'll win it?

BRANDIS: We are ready to fight an election whenever it comes.

KING: Can you win it?

BRANDIS: I believe on this issue absolutely. I mean the thing about the significance in the change of the leadership in the Liberal party yesterday is that you have in Tony Abbott a leader of the Opposition who is absolutely prepared to take this issue on, head on. Now Malcolm Turnbull was a supporter of the deal and I give great respect to Malcolm. His judgement was that a bill was better than a bad ETS. Tony Abbott's judgement is let's take it head on. Tony Abbott is a very black and white sort of guy and we are absolutely up for this.

KING: All right. Now Craig Emerson if I asked you to describe Tony Abbott what would words would you use?

EMERSON: He's a true Liberal in the sense that he has stated his position over the time that he's been in Parliament on various issues. I won't say that he hasn't changed his position because he has done that many times on the ETS. But he would be seen and is a leading advocate of the hard right of the Liberal Party. People like George, Malcolm Turnbull would be regarded as more moderate and there is a contest for the future of the Liberal Party between the moderates and the real conservatives. John Howard became very conservative. He said he was a very conservative leader. Menzies actually regarded and I think George would agree with this because he wrote it, regarded the Liberal Party in many senses as a progressive party, it wasn't opposed to change, it wanted good change. Tony Abbott is more the conservative, very right wing advocate.

KING: George Brandis, you actually went to Oxford with Tony Abbott. Is that right?

BRANDIS: Look I've known Abbo since, I first met Tony in 1981 and we were direct contemporaries at Oxford. We were on scholarships there and we were there between 1981 and 1983.

KING: Were you friends?

BRANDIS: We knew each other quite well. We certainly, the Australian, the community of Australian students at Oxford is a relatively small community of maybe a couple of hundred people at any given time and we weren't close friends but we knew each other, we saw each other, we often had a drink together in the pubs around Oxford so my association with Tony goes back nearly 30 years.

KING: You said he's a very black and white type of guy but isn't that what got Malcolm Turnbull into trouble? Don't you need a leader who is more consultative? Who will talk to the whole party and develop a plan rather than be autocratic about a decision?

BRANDIS: Well take that in context. Tony is a black and white sort of guy on this issue, just as Malcolm Turnbull was on this issue, but they just had different perspectives. They were coming from different positions. Tony Abbott, particularly given the narrowness of the margin by which he was elected, well understands that he's got to take the whole party with him and I'm sure he will.

EMERSON: He's very black and white on WorkChoices, and is still a big fan of WorkChoices. That's true.

BRANDIS: That's yesterday's argument Craig.

EMERSON: He said the only thing wrong with WorkChoices is the name. He doesn't support the name but he supports the content.

BRANDIS: Craig that was yesterday's argument, can we please...

EMERSON: He's been saying in the last few weeks that it was a tragedy that WorkChoices was torn up by the Labor Party. This is contemporary debate George.

KING: Can I ask you, George Brandis though, do you think there will be a fundamental change in the direction of the Liberal Party, ideologically, under Tony Abbott?

BRANDIS: No. As is obvious, there's been a policy change in our attitude to the ETS legislation, to sharpen the difference between us and the Labor Party. But broadly speaking, I think the Liberal Party's core values of protecting Australian jobs, keeping debt low, keeping taxes low, those fundamental values will not change.

EMERSON: Stand by for return to WorkChoices, that's all I say.

KING: All right. And in an hour, we will find out what happens in the Senate, George Brandis is that your view?

BRANDIS: Roughly an hour or so, yes.

KING: Okay. This is our last Inside Canberra for the year and George Brandis are you taking time off over Christmas?

BRANDIS: I expect I'll have a couple of weeks off, yes.

KING: Do you expect to retain your Opposition ministry of Attorney-General?

BRANDIS: Well that's entirely in the hands of the leader, as it is in both the Liberal Party and the Labor Party.

EMERSON: I won't give him the kiss of death by saying I think he should, he's a very very well-qualified Attorney-General.

KING: When do you find that out?

BRANDIS: Look I expect there are already vacancies on the Opposition front bench, created among other things by Mr Turnbull's retirement to the backbench, so there will be a reshuffle. It will happen in the next several weeks. Exactly when that happens, I'm not sure.

KING: Well we wish you a very merry Christmas and we look forward to you joining us again next year as we go Inside Canberra. Craig Emerson, you're coming along to our 612 ABC Brisbane party on Friday, December 11th and I understand bringing your guitar?

EMERSON: I am too and I understand there might be a chance now that George could join us.

BRANDIS: I think I can Madonna because the 11th of December had been scheduled as a shadow cabinet meeting in Sydney by Malcolm Turnbull. In view of the fact that he's no longer Opposition Leader I suspect that meeting may not be going ahead on that day.

KING: Will you be breaking the news to Michael Johnson that or will I?

EMERSON: George sings better than Michael Johnson.

BRANDIS: Look I think these arrangements are very fluid at the moment, as is everything.

KING: All right. George Brandis, if you can make it, we would love it. Craig Emerson is bringing his guitar, I understand he's authored a song about you...

[laughs]

EMERSON: I have indeed.

KING: And we look forward to it being played.

EMERSON: And you, Madonna.

KING: I look forward to that too. And George Brandis, you're going to, if you can come I understand, you're going to recite a bit of poetry for us.

BRANDIS: If I can I will. But it won't be a poem about you Craig.

KING: Gentlemen thank you. I'll let you get back to the Senate George Brandis.

BRANDIS: Thanks Madonna.

KING: And Craig Emerson, talk to you in a couple of weeks.

EMERSON: Righto Madonna, thanks.

Ends