



THE HON DR CRAIG EMERSON MP
MINISTER FOR TRADE

Transcript
ABC 612 Mornings with Madonna King

14 September 2011

E&OE

Subjects: Parliamentary Privilege, carbon pricing, asylum-seekers, Kevin Rudd's travel, media inquiry, tweeting.

TERRI BEGLEY:

There's so much to talk about on the topic of federal politics today, so let's get straight into it as we go *Inside Canberra*.

Craig Emerson is the Minister for Trade and George Brandis is the Deputy Opposition Leader in the Senate. Good morning to you both.

CRAIG EMERSON:

Good morning Terri.

GEORGE BRANDIS:

Good morning.

BEGLEY:

Good to have our regular contributors back, facing off to each other this morning.

EMERSON: Back in the saddle.

BEGLEY: Back in the saddle. Does it feel good, Craig Emerson?

EMERSON: Yeah, I'm still a little bit jet-lagged. I've been travelling in the parliamentary break: we went to Paris for a Libya meeting. We didn't even stay overnight: just turned around and came back again. And then last week to Saskatoon in Saskatchewan Province in Canada, and back from that on Sunday morning.

BEGLEY: So, according to your watch, what time is it now: bed time?

EMERSON: I have no idea. I just get tired at very odd hours and then I try to work out which part of the world I should be in bed. And it just makes no sense to me, so you just drive through it.

BEGLEY: All right. Well we hope you can make some sense with us this morning.

Starting back on one of the top issues our listeners have wanted to talk about this morning: Senator Nick Xenophon last night defined warnings, naming Ian Dempsey as the priest who allegedly sexually abused John Hepworth. Was this the right use of Parliamentary

Privilege? Should he have done this, Craig Emerson?

EMERSON:

It's a bit unusual, but I wouldn't mind hearing from George as a Senator on this. I don't think it's a political issue that divides Labor and the Coalition. George is both highly-trained legally and a Senator, but I'd be happy to bounce off any comments that George has to make.

BEGLEY:

George Brandis?

BRANDIS:

Look I find this a very difficult issue and I want to be guarded in my response because I'm a member of the Senate Privileges Committee. And when it is alleged that Parliamentary Privilege is abused, as it may possibly be alleged that it was abused by Senator Xenophon, then the Privileges Committee has to consider the matter and consider whether in particular it allows a report ... authorises a reply by the person who's been criticised in the Parliament, to be reproduced in the Hansard.

Australia by the way leads the world in this. We're the only parliament I think where a person - a private citizen - is attacked under Parliamentary Privilege and the Privileges Committee decides the attack was an unfair one, we can

actually authorise that their full right of reply be published in Hansard. Now, that mightn't be enough to assuage their hurt, but at least it gets their side of the story onto the public record.

Now, in relation to the facts of this particular case the ... it's relevant that the person concerned was a private citizen. I think different rules should apply for what politicians say about private citizens and what they say about one another. And I'm told a highly respected member of the Adelaide community, this particular Monsignor - he is an officer of the Order of Australia; not that that makes any difference if the charges are true - but I mean this is an attack on an extremely respected citizen and a private citizen. And in those circumstances ... , and in relation to events that are alleged to have occurred about 50 years ago, and in respect of which, as I understand it, the alleged victim did not make a complaint and did not wish the allegation to be made.

So, those are all factors that you've got to put into the mix in assessing whether or not it was wise for Senator Xenophon to raise this in parliament rather than, you know, any citizen can report a matter to the police, for example.

So it's not just a question of did he do it or didn't he do it; it's a question of was this the right way to handle this allegation with this particular character against a very esteem citizen by raising it in the Parliament.

BEGLEY:

So Senator Brandis, does that mean the Parliamentary Privileges Committee will now look at this in a short term?

BRANDIS:

Not necessarily. We would look at it if we receive a letter from the person who was named, complaining that his rights as a citizen had been trodden upon by an abuse of Parliamentary Privilege. And then we would have to assess whether we consider, according to the guidelines we apply, whether it was an abuse of parliamentary privilege.

BEGLEY:

And we must remember that the Catholic Church says it is appalled this man has been named when he has denied the allegations and before it has finished investigating the matter.

Let's move on, gentlemen, to the carbon tax. Certainly haven't talked much about that lately - not. Eighteen bills: they were introduced into Parliament yesterday. They are set to pass by the end of the year.

Senator Brandis, your boss Tony Abbott says the Coalition will now use every tactic to thwart it. Why, when the Government appears to have the numbers in both Houses to get it through? Why delay?

BRANDIS:

It doesn't have a mandate. I mean the basic fact that ... I know I say this all the time, but I say it all the time because it's the most important thing to be said about the carbon tax. This is the tax the Government promised solemnly not to introduce. 'There will be no carbon tax under the Government I lead.'

If Julia Gillard hadn't made that promise she wouldn't have won the election. So, it's not just a breach of promise; it is tainted throughout by illegitimacy. This is the greatest rort that's ever been perpetrated on the Australian public. We know from opinion polls that more than two-thirds of the people in the country don't want it, and I think the Opposition is perfectly entitled to fight it tooth and nail. I think that's nothing less than what the Australian people expect of us.

BEGLEY:

What hope do you have of changes being made?

BRANDIS:

Well, we'll see how the debate goes. It's a debate that's been ... to make matters even worse, it's a debate that been shoved through the Parliament. The usual process of scrutinising Bills through the committee system, especially in the Senate, is being violated. There are 19 Bills in fact. They total 936 pages. That's not including the regulations that will be made under them. So it's the most complicated piece of legislation this Parliament will consider.

There is a foreshortened committee process and let me give you a comparison. When we introduced the GST, after seeking a mandate at an election and getting one, we allowed for five months of parliamentary committee hearings in four parliamentary committees, all of them chaired by and controlled by the Opposition. This Bill, which is of equivalent and if not greater significance than the GST Bills, will receive three weeks of parliamentary scrutiny by a single committee, dominated by the Labor Party and the Greens. So this is ... this is a big a rort as you'll ever see.

BEGLEY:

Craig Emerson, are you ramming this through Parliament.

EMERSON:

Yes, I'm still here.

BEGLEY: Yes, have a go.

EMERSON: There is a committee process. The Coalition doesn't like the committee process. We have offered to extend sitting hours. The Coalition has rejected the offer of the extension of sitting hours. We had the beginning of the debate yesterday when the Prime Minister was speaking on it, and the Manager of Opposition Business actually came into the Chamber and instructed the MPs, who were - Coalition MPs - who were listening to that debate to leave the Parliament. So much for a parliamentary debate! And they were left with just two MPs at the table, which they're obliged to do.

There's no interest in debate on this from the Coalition. Its position can be described in two letters: n, o. It is totally opposed to this and I think the Australian people know it. Certainly the Parliament knows it.

BEGLEY: Senator Brandis, a final word from you?

BRANDIS: Well, look the Parliament shouldn't be dealing with this bill. This is the bill to impose a huge tax on the Australian people the Government promised never to introduce. And to make matters even worse, it is not giving the Parliament, and through the Parliament the people,

opportunity to subject it to appropriate due scrutiny.

EMERSON:

Let me make this clear. The Carbon Pollution Reduction Scheme which was introduced in the last Parliament and twice defeated in the Senate - though George Brandis did want to pass it - was a market-based mechanism with the price of carbon fixed for one year. This is a market-based mechanism with the price of carbon fixed for three years. The difference - fundamental difference, and I wouldn't even call it a fundamental difference - is that under one you have a fixed price for three years; under the other a fixed price for one year.

Everyone called the Carbon Pollution Reduction Scheme an emissions trading scheme; that's what this is: an emissions trading scheme. The Prime Minister said before the election, yes, she would rule out a carbon tax but she would not rule out an emissions trading scheme.

BRANDIS:

The problem for you, Craig, if I can quickly correct you, is the Prime Minister herself said when she announced that she was doing it that it was a tax and she wasn't going to walk away from that.

EMERSON: Well, that's right: she said it operates like a tax...

BRANDIS: Yeah.

EMERSON: ... and the truth is, and the fact is...

BRANDIS: That's because it's a tax.

EMERSON: ... it's a fixed-price permit for three years, compared with the Carbon Pollution Reduction Scheme, a fixed price permit for one year. It's a difference of two years. How could one be called an emissions trading scheme and the other is not an emissions trading scheme?

BRANDIS: Because that's what the Prime Minister said. Craig if you think it's such a good idea, take it to the people.

EMERSON: They both are emissions trading schemes.

BEGLEY: You're listening to *Inside Canberra* this morning with Craig Emerson, the Minister for Trade and George Brandis, the Deputy Opposition Leader in the Senate.

Moving on to the re-jigged Malaysia solution. Senator Brandis, what has to

happen to get the Coalition's support on the Malaysia solution now?

BRANDIS:

Well, the Coalition doesn't favour the Malaysia solution. We never have. We've got the same position the Government use to have when Julia Gillard promised that nobody would be sent to a country that wasn't a party to the UN Refugee Convention. And Malaysia, of course, isn't; though Nauru is about to be. We're still waiting for the Government's legislation.

We were offered a briefing. Mr Abbott was offered a briefing on the legislation yesterday in Question Time by the Prime Minister. And there was an exchange of emails which I was copied in on because I was going to be going to the briefing, and we were told that we could expect this briefing last night. Eventually, a letter came from the Prime Minister saying you will see the draft legislation, quote, 'in coming days', unquote.

So we went from standby for a briefing in the next hour or two to 'you'll see it in coming days'. The Government is all over the place. I suspect that its legal advisers who got this wrong in the first place are themselves having a big fight about it. But why the Government hasn't - the High Court made its decision two

weeks ago - the Government's still ... even though it says it's a very urgent matter, still can't come up with draft legislation. When it does, we'll consider it.

BEGLEY:

Craig Emerson, why the delay in showing the Opposition what's on the table now?

EMERSON:

In terms of briefings there has been a briefing and George will know it was a briefing by the relevant officials, who also briefed the Howard Government to say that the Malaysian arrangement will break the people-smugglers' model and Nauru will not.

BRANDIS:

Well, they don't actually say that Craig. I was there and they didn't actually say that.

EMERSON:

That is what Tony Abbott has been told. Now, George has said that the Coalition's position has always been that they wouldn't send people to any place that isn't a signatory to the Refugee Convention. He's just conceded that Nauru is still not a full signatory to the Refugee Convention.

BRANDIS:

It's becoming a signatory.

EMERSON:

And certainly was not a signatory to the Refugee Convention during the period of the Howard Government.

What we are seeking with this legislation is not to dictate to the Coalition a particular offshore processing destination; we have a difference of view.

The Coalition says Nauru's the way to go. We say Malaysia and PNG are the way to go. What we're saying in the legislation is that the Executive Government should have the power to determine the offshore location. Now, that's all we're saying. We are not asking Mr Abbott to endorse the Malaysian arrangement.

We are simply saying 'let's agree that whoever is in government, they should have the power to determine which location is being identified and used for offshore processing'.

BRANDIS:

Well look, Craig...

EMERSON:

That is perfectly, perfectly reasonable.

BRANDIS:

... you say that and we say, 'well, show us your draft legislation, and we'll consider it'. And we're still waiting for it. Where is it?

EMERSON: I'm just saying, George, that you'll get a look at the legislation. But the fact is you have been briefed on it: Mr Abbott has said, no, this did not happen, we have not been told that Nauru doesn't work. We have not been told that Nauru - if you proceed under the current legislation - is out. I give you credit, George, for saying that while you think that there is doubt about whether the legislation is needed, to be sure, there should be legislation.

BRANDIS: That's right.

EMERSON: That's right. And I accept that...

BRANDIS: That's not ... that is my position; that's not what...

EMERSON: ... and I accept that in good faith, but it's not the position that Tony Abbott ...

BRANDIS: By the way, that's not the position that was attributed to me by your colleague Mr Bowen yesterday. So, it's...

EMERSON: ... not the position that Tony Abbott ...

BRANDIS: ... I'm glad to see that you've got it straight.

BEGLEY: Let's move on to more offshore news, with reports Kevin Rudd has spent

more than Hillary Clinton on overseas travel: one million dollars in nine months. Craig Emerson, how do you measure value for money when it comes to your Foreign Minister and the travel bills that they rack up?

EMERSON: Well, I think it's a matter of judgment obviously, but, you know, that ...

BEGLEY: Is one million dollars a bit steep?

EMERSON: Well foreign ministers do tend to travel. And it would be a very strange foreign minister who said 'well, look, I'd better just ring people up on the phone. I won't go to international meetings. I won't do what I did as Acting for Kevin: go to a meeting about the new Libya', which I think is very important, attended by people like Sarkozy, and Angela Merkel, and the National Transitional Council of Libya'. I think these are important meetings, and I think you need to go to them.

BEGLEY: Do we have strategic interests in all of the countries he's reportedly travelled to in the last nine months? Brazil? Tunisia? Bahrain?

EMERSON: Well, actually I think Brazil is an important location. But, I don't think it's really a matter for *The Daily Telegraph* or anyone else to say they don't

consider a particular visit to be fully warranted. I mean Kevin doesn't travel just because it's fun sitting on a plane for 18 hours at a time; getting off jet-lagged; go to the meetings; get back on the plane, then go again.

I mean, obviously, to many of your listeners, Terri, this would sound, you know, kind of a great luxury, and exotic and fun. I'm not saying that he would be complaining about travel.

I don't complain about travel.

But, it isn't all it seems to be to someone who might think, 'wow, wouldn't it be great sitting up the pointy end of the plane all the time?'

I mean it is actually quite hard work.

BEGLEY:

No, but I ... but I guess listeners would also like to hear how that travel translates into good things for Australia and themselves.

EMERSON:

Well I think that's fair enough. But, you know, to say, 'oh well, why go to Brazil; why go to Tunisia? I mean, Tunisia was the first country, I think, to change regimes in the Arab Spring. I think that's pretty...

BRANDIS: No, Egypt was.

EMERSON: Well, sorry ... no...

BRANDIS: Wasn't it?

EMERSON: No, I think Tunisia.

BRANDIS: Was it? Okay.

EMERSON: Yeah. But I'm just saying that this is important for the world; it's important for Australia; it's important for stability in the Middle East. And yet, what, he shouldn't go to Tunisia? Why? Because people don't... some people might not know where it is?

I mean, honestly, I think ... I personally, I'm not saying that Labor has never criticised a Coalition foreign minister for travelling. But I think personally you should be careful about going through an itinerary and pontificating and saying 'we think that that trip was not necessary', unless it was obviously a blatant rort.

BEGLEY: Senator Brandis?

BRANDIS: Well, look, up to a point I agree with Craig. Foreign ministers and trade ministers do have to travel. And a lot of these trips aren't as glamorous as they

sound, because you spend a very long time in aircraft. And you go to a meeting and, just as Craig has had to do, and come straight back.

So they do have to travel. And it's not as glamorous as it sounds. I agree with Craig up to that point. However, it does seem a bit steep, I must say, for the Australian Foreign Minister to be doing more international travel than the US Secretary of State. And it does seem a bit steep that whereas Mr Rudd in his first nine months spent more than \$1 million, by comparison his predecessor in the portfolio, Mr Stephen Smith, in his first six months, spent less than \$150,000. So, I think Mr Rudd does need to travel. And it's not all glamorous. But I think he really does overdo it somewhat.

But Terri, I'm more interested not in where Mr Rudd may have been in the first nine months of his period as Foreign Minister, but where he was last night when he came into Parliament House and went to the office of the Government Whip, Mr Joel Fitzgibbon, who's, I think, the convenor of the Right faction, and was in deep conclave with Joel Fitzgibbon and Senator Mark Arbib, who's the godfather of the Right faction for a very long time.

What Mr Rudd is doing in Parliament House now I think is much more interesting.

BEGLEY: Senator Brandis, what are you inferring there?

BRANDIS: It's on, Terri. It's on. And Craig, mate, don't get left behind.

EMERSON: Good on you, George. I won't tell you who I had a drink with last night. I'm just going to keep that completely to myself.

BEGLEY: Look, it's just between you and I and George.

EMERSON: But he thought that you were a pretty good guy, George, and it was someone from your side of politics. So, there are all sorts of conspiracy theories going on. But ...

BRANDIS: It's not a conspiracy theory; it's just an observation.

EMERSON: Oh no, sounds like a theory to me. But even the estimates - and they are estimates from the Department - are just that. For example, Kevin went to Israel, and that was estimated at accommodation of \$2,200. The actual cost was closer to \$450, and it was paid for by the Israeli Government.

Now, I'm not making that as a knock-down; you know, a pointer, that's it, it's all settled. But I'm just saying that all of these figures are fully disclosed; they're not national secrets. George's travel, my travel, everyone's travel is disclosed to the Parliament, as it should be, in an open, transparent way.

BEGLEY:

Okay. Speaking of being open and transparent, the Government has agreed, now, to hold an inquiry into Australia's media. Perhaps not seeing any merit in looking at the concentration of the ownership. Why not, Craig Emerson?

EMERSON:

I think that, you know, the world has moved on about media concentration and all these sorts of things. This is a personal view. It's not the view of the Green Party as I understand it. There are so many different ways of participating in the media these days. I mean what is, for example, *The Courier-Mail* or *The Australian* newspaper? Are they newsprint newspapers? I actually read them before I ever see a hard copy of the newspaper.

BEGLEY:

Online. So ...

EMERSON:

I read them online.

BEGLEY: Well, what should the terms of reference for this inquiry be? What should it look at?

EMERSON: Well, I think we'll see that a little bit later when the announcement's made. But I wouldn't call it an absolutely wide-ranging media inquiry.

We're just going to have a look at some of the issues that have arisen in the last little while. And it's not an attempt to get the media or anything like that.

And I note that, for example, Laurie Oakes on Channel Nine this morning welcomed the inquiry.

I think *The Australian* newspaper, which is the flagship of News Limited, said that they were quite comfortable with an inquiry. I don't think that there's anything to be lost - and there's something to be gained.

BEGLEY: Senator Brandis.

BRANDIS: There is absolutely no reason for a media inquiry. This ... don't forget who this came from Terri: it came from Bob Brown.

EMERSON: Not true.

BRANDIS: It came from ... the original idea was promoted by Bob Brown.

EMERSON: We're not supporting Bob Brown...

BRANDIS: The idea, Craig, came from Bob Brown. And the Government has signed off on a variation of his original proposal.

EMERSON: Untrue, completely untrue.

BRANDIS: This is Bob Brown, who describes News Limited mastheads as the "hate media", who is overtly campaigning for limitations on freedom of speech in the press.

Now the freedom of the press is one of the bulwarks of our democracy. And this is an overt, blatant, and rather ham-fisted attempt to threaten freedom of the press, just as the Prime Minister tried to fix up News Limited in Australia a couple of months ago with phone hacking because it had happened in News Limited in the United Kingdom.

And that fell flat. Just as the Prime Minister and the Prime Minister's Office...

EMERSON: She didn't do that.

BRANDIS: ... put political pressure on News Limited to pull down a column by Glenn Milne in *The Australian* a couple of weeks ago.

EMERSON: Which was defamatory.

BRANDIS: And then we see Glenn Milne dumped from the panel of the *Insiders*, just as the Prime Minister's Office...

EMERSON: Are you suggesting the Prime Minister arranged that?

BRANDIS: Just as ... just let me finish, let me just, let me finish, just as...

EMERSON: These are very serious allegations.

BRANDIS: ... we see the Prime Minister's Office putting pressure on Fairfax Media to dump the broadcaster Michael Smith in 2UE in Sydney because he chased the Craig Thomson allegations.

There is a culture of political threat to the media developing in this Government, the like of which I have never seen. And I think Australians should be very, very worried about it.

EMERSON: Everything that George said was false.

BRANDIS: It's not; it's all true.

EMERSON: And in terms of the piece that was pulled from *The Australian* newspaper, it was pulled, voluntarily, because on any grounds you could argue very strongly it was defamatory. And I thought that George Brandis actually did believe in defamation laws.

BRANDIS: I re...

EMERSON: I actually thought you did, and what you said about this being Bob Brown's inquiry is a complete and...

BRANDIS: That's who it came from Craig, and don't pretend it didn't.

EMERSON: ... utter falsehood. It is completely false, and the terms of reference of Bob Brown's inquiry have not been accepted by Labor. So just do not believe anything that George Brandis has just said. It is a pack of lies.

BEGLEY: Well, let's end off on a, just a different topic if we can. The one million figure comes up again in the reports today that, Kevin Rudd, getting back to him again, has hit the one million mark on Twitter.

I just want to know, are either of you on Twitter?

EMERSON: I'm not. I'm thinking about it. I asked my children, and they say 'don't do it, Daddy. Don't do it Daddy'.

BEGLEY: You'll get into more trouble than you normally would. George Brandis?

EMERSON: And that's enough.

BRANDIS: No, I'm not. I think that ... and I have a real hostility to it. And I'll tell you why, Terri, because I think that these Twitter things that are, you know ... reduce political messages to, what is it, 140 characters or something...

BEGLEY: Tony Abbott tweets, though, doesn't he?

BRANDIS: Well he might, but I think that they... and I think...

EMERSON: Fall into line, George.

BRANDIS: I think many, many politicians do. But I object to it because it infantilises political communication, and it reduces what should be serious discussion to just a few words. And I think that the increasing infantilisation of political discourse in this country is not something that is a good development.

EMERSON: I hope you're not saying that Tony Abbott's an intellectual infant, George.

BRANDIS: No, he's a Rhodes Scholar, Craig, unlike yourself.

EMERSON: Oh right, okay. He Twitters. He can only get up to 140 characters and then runs out of ideas; actually, three-word slogans. That's about right: "stop the boats".

TERRI BEGLEY: All right, I'm turning your microphones off now. You can continue that argument off air.

[Laughter]

Thank you very much gentlemen.

EMERSON: I'll tweet a three-word slogan. Bye bye.

BRANDIS: Thank you, Terri.

BEGLEY: Catch you next week with Madonna King back in the chair.

I don't know how you bring those two under control.