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SEEKERS, MELBOURNE CUP.*

MADONNA: Now a couple of issues I want to talk to. The first is a little bit out of left field. We spoke to someone before nine. He's the head of PCYC in New South Wales. And he said, look, this violence we are now seeing, whether it's in Sydney, Melbourne, Brisbane, everywhere, has to stop. We know in Queensland we're thinking about starting to drink out of plastic cups, changing the hours pubs and clubs are open, we have the case of one hotel that is now looking at legal action against a patron over an alleged glassing.

The head of the PCYC has come up with this idea of an abuser pays system. That if I get drunk and I go out and I risk my life in the ocean this afternoon, and that prompts a rescue, I should be forced to pay for that rescue. It's either directly debited from my credit card, and if I don't have the funds then I'm assigned community service.

Listeners are saying well, you know, politicians should be brave and implement this, it would have wide community support.

EMERSON: Well from my point of view I hadn't heard of it so we're winging it here, Madonna. But look, I think there's some merit in the idea of those who behave irresponsibly bearing some of the consequences, and that includes financial consequences.

I have to say this though, as a deterrent I don't think it would work because when people get on the booze they don't think about these things. So unfortunately...

MADONNA: So you don't think if you got drunk and you caused an assault, you go to court, and that the result of that assault is a \$7,000 hospital bill, you don't think you would learn, losing \$7,000 perhaps at the age of 19 that it's something not to do again?

EMERSON: Oh well look, if it did provide a deterrent, all the better. I would just - a lot of these things happen when people are just out, not thinking about it, they get drunk gradually and then behave irresponsibly.

If I could just add one point, George and I have had this sort of discussion before, and we say 'look people used to get drunk 30 years ago'. What I hadn't heard of, and what I'm not familiar with 20, 30 years ago is this glassing business. I don't remember - as you know I come from a country town - if someone smashed a glass into someone else's face they'd be run out of town.

MADONNA: Alright so just before I go to George Brandis, take that a step further. Anna Bligh is considering the introduction of plastic cups here for your wine and beer.

EMERSON: Hear, hear.

MADONNA: Well some people are saying 'how dare she, I'm a responsible citizen. I go along and enjoy a nice glass of wine. Why should I have to have it out of a plastic cup?' How do you weigh those two?

EMERSON: Well the social consequences of being glassed are pretty nasty and it only requires, in all walks of life, a few lunatics to spoil it for everyone else, but I think it's an awful crime. And I'm very concerned about the increased prevalence of it.

MADONNA: George Brandis this abuser pays principle, do you support it in principle?

BRANDIS: Well I think it has a lot of attractions but, can I just make the point, that of course some of the examples you've given, the people who were responsible for the infliction of the harm would already be liable. For example, you know take the case we're discussing, if somebody forces a glass into somebody else's face, not only have they committed a crime but they've also committed a civil assault. And if the victim suffers harm, loss of income because they have to have a few days from work and medical costs and so on, then they can sue the person in a civil court for damages to compensate them for their loss.

So to a large extent the law already incorporates that.

I think where it really might make a difference is in what you might call rescue cases where a person is very careless of their own safety and puts themselves at risk in a reckless way and creates a rescue situation which requires other

people then to put themselves at risk and the cost of the community to rescue them.

MADONNA: And what tier of government would be responsible for introducing something like this? Would it be Federal or State?

BRANDIS: Well I don't think it would be the Federal Government though then again I mean there are certain aspects of federal emergency management...

EMERSON: Yeah well that's right.

BRANDIS: ...which would be engaged in...

EMERSON: ...international search and rescue in the oceans.

BRANDIS: Yes. That's right.

EMERSON: Remember yachtsmen Bullimore I think...

BRANDIS: Bullimore that's a very good example in fact.

EMERSON: And he knew the risks and just fully expected that he would be rescued if he got in trouble, was rescued and it cost an absolute fortune.

BRANDIS: And I remember this very discussion happening at the time of that Bullimore incident. People were saying well this man was warned that this might happen, it cost the Australian taxpayer certainly tens if not hundreds of thousands of dollars, and there were calls then saying well he should really foot the bill.

MADONNA: That's Senator Geroge Brandis along with Dr Craig Emerson as we go Inside Canberra this morning.

To Fiji now, and it's a story that's still moving. The Prime Minister's trying to cope with asylum seekers and interest rate rises. Here's a new problem, Fiji's self-appointed Prime Minister is kicking the Australian and New Zealand High Commissioners out of the country. It's the first time Australia's envoy has been expelled in an action the Department of Foreign Affairs is describing as provocative and unreasonable.

Now Dr Craig Emerson, Australia's already imposed sanctions against Fiji. How is this going to unfold?

EMERSON: The Government today is considering further measures. So is the New Zealand Government. They're in the same situation as us. We're obviously very concerned about the situation in Fiji where it's been coup prone for a very long time. I remember 1987 was when Rabuka started this coup business and it's been on and off again for a very long time.

We in Australia cherish our democracy. We think democracy is the best system in the world. There is no democracy in Fiji, and the last thing we want to

do is see spreading to the other Pacific Island nations this sort of getting on the coup bandwagon. It would be very bad for the stability of the Pacific.

MADONNA: So you're going to escalate a reaction against Fiji?

EMERSON: Well let's just wait a few hours, but the Government is considering tougher measures in addition to those that are...

MADONNA: What kind of tougher measures?

EMERSON: Look it would just be wrong for me to speculate on it, Madonna. But we take it really seriously because it's been going on for quite a long time and Bainimarama has been saying oh we'll have elections later, later. He doesn't seem to be at all serious about having elections, so we do need to take a hardline approach.

MADONNA: George Brandis do you read it the same way as Craig Emerson and would there be a bipartisan approach to tougher measures?

BRANDIS: Pretty much and so far, as I understand what Julie Bishop, the Shadow Foreign Minister has said this morning. There has been bipartisanship, but we'll have a look at the additional measures that Craig has foreshadowed and we will respond. But this is not a party political issue between the Liberal Party and the Labor Party.

Commodore Bainimarama has been a disgraceful blight upon Fiji in modern history. He's eliminated democracy. I mean this issue arose, this particular issue arose from his attempt to politicise the judiciary. Fiji had an independent judiciary. Some of the judges were in fact Australian judges or former Australian judges who sat on the Fijian Court of Appeal, and he sacked the judiciary when they ruled his coup unconstitutional, and he's now seeking to introduce judges who he expects will be cooperative with his regime. And that's how this issue has come to a head, apparently yesterday.

MADONNA: And to another issue that's not necessarily a party political issue - the issue of the republic. Time we had a republic, Senator Brandis?

BRANDIS: Well I don't think so. I was an opponent of the republican movement 10 years ago, and in fact on Saturday morning I'll be opening the Australian Monarchist League national conference in Sydney.

EMERSON: [Laughs] George that will be a hoot.

BRANDIS: It'll be a wild morning, I can tell you. The...

MADONNA: Won't be serving alcohol in plastic cups.

BRANDIS: No all those respectable gentlemen with their OBEs and handlebar moustaches.

But...

EMERSON: A bit of sweet sherry in the morning.

BRANDIS: I have always been one of those people who was unpersuaded about why we needed to go through all the fuss. I wouldn't call myself a monarchist; I would call myself...

MADONNA: Agnostic.

BRANDIS: ... a sceptic. No, a sceptic I think. Two things: first of all, I don't think, given how well everybody seems to acknowledge that our system does work, that it is necessary to have this significant constitutional change. And, secondly, can I just make this point as well: there are a lot of people, particularly older people, who have a tremendous emotional investment in the British connection. I mean you go, particularly in rural and regional Queensland, you go into the CWA hall or the council chambers, and invariably there's a portrait of the Queen in pride of place on the wall.

Now, those are the people who are not necessarily always very politically assertive but there are lots and lots of people, particularly older people, particularly regional people who, I think, would be very badly hurt if this change came.

MADONNA: But let me be clear here. You must have an opinion. You're sitting on the fence in a way.

BRANDIS: No, no, my opinion is clear.

MADONNA: Do you ... but should Australia be a republic or...

BRANDIS: No.

MADONNA: ...should Australia be a monarchy?

BRANDIS: I think the status quo should remain.

MADONNA: And, indefinitely?

BRANDIS: Indefinitely.

MADONNA: Or is there a natural turning point in history...

BRANDIS: The time may come but I don't see it any time soon.

MADONNA: And your support for the monarchy is because there is broad support in the community or because of a personal view?

BRANDIS: Both.

MADONNA: And your personal view in support of the monarchy...

BRANDIS: Well, it's not so much in support of the monarchy, it's in support of what I call the constitutional status quo. I think the Australian constitution in its current form where we have this symbolic link with Britain, which is itself an acknowledgement of our constitutional heritage, shouldn't be fundamentally changed.

MADONNA: Dr Craig Emerson, I suspect you disagree strongly?

EMERSON: I am a supporter of a republic but this is something that requires patience and consultation, not...

MADONNA: Ten years. Some people would say their patience is about to expire.

EMERSON: Well indeed but back 10 years ago - I'll tell you a very quick story - Senator Joseph Ludwig and I were handing out how to vote cards for the republic referendum in 1999. And we were being politely told, well, why do we need a how to vote card, don't we just tick yes or no. And we said, yeah, that's true. Thirty per cent of the people at Regents Park State School booth voted for a republic, 70 per cent against. And at that time it was quite a divisive debate. There were arguments about which model should be pursued. Malcolm Turnbull was a leading republican.

But I think the lessons of that time need to be learned and that is, it will come in time, perhaps after the reigning monarch is no longer the reigning monarch. I think that we should have the debate but if it's pushed hard, the Australian people will push back and say no.

MADONNA: And is it because - was it lost last time because people didn't want a republic or were people responding to a question - I've heard some analysis that the question should be, should we be a republic or not, yes or no. And then the second debate on what sort of republic should we have, what sort of...

EMERSON: I don't think that would work - that's a personal opinion - because people will say: 'before I answer yes or no to whether it should be a republic, I want to know what you have in mind, and are the politicians going to appoint the president. And if the politicians are going to appoint the president I'll say no'.

MADONNA: No-one is going to support it.

BRANDIS: Yeah, I agree with that. I mean, that two-step process is a bit of a trick because people aren't going to answer question. People when answering question one are entitled to know what question two is going to be.

EMERSON: That's right.

MADONNA: Do you think we will see a republic in the next 10 years, either of you, in Australia? Craig Emerson.

EMERSON: Possibly but it would be towards the end of that 10-year period. In my view it won't be in the next two, three, four years.

MADONNA: George Brandis?

BRANDIS: I don't think we'll see it in the next 10 years or anything like that.

MADONNA: You're saying 20 years?

BRANDIS: Perhaps. I mean, you know, it may be, it may be that this will come though they don't have this anguished debate in New Zealand or Canada, the way we do in Australia, because I think the republican movement has a kind of a secondary agenda here too. Not all republicans have a secondary agenda but I think a lot of the people, particularly from the left of politics, who push this agenda really do want to have a more profound set of changes to the Australian constitution and system of government. And I think that's what, you know, people in the middle ground tend to jack up against.

MADONNA: From the republic to the issue of immigration, and I want to deal with this briefly. We've done it for the last couple of weeks, but are we getting any closer in settling the case of these 78 asylum seekers? They remain aboard the *Oceanic Viking*. What is going to happen here Craig Emerson? Is it up to Kevin Rudd to make a decision here?

EMERSON: Well, discussions - you won't like my answer - because it's a process answer, but discussions were held yesterday in Indonesia. I'm not privy to those discussions; they're ongoing. You know, it's just something that does require patience and, personally, I don't think it will be resolved by some sort of dictum or edict...

MADONNA: But if you look at the polls, and maybe I'm wrong but certainly some analysts have put the slant that people - the Prime Minister's popularity has fallen in some way because people want a strong leader with a strong decision on this.

EMERSON: Well, we do have strong border protection policies but it's up to the commentators to make their judgements as to why the polls move around.

But if I could just - this is a new thought in all of this - the assertion is that the Rudd Government's asylum seeker policies has led to and caused a big flow of Sri Lankan asylum seekers, in particular.

MADONNA: Yes.

EMERSON: Of the asylum seekers from Sri Lanka who are seeking asylum in the developed world, what proportion do you think are seeking it in Australia? Five per cent! The 95 per cent who are seeking asylum in other countries surely have not been motivated to do so by the Rudd Government's asylum seeker policies.

MADONNA: George Brandis?

BRANDIS: I think that's complete nonsense. The fact...

EMERSON: Well, it's a fact George.

BRANDIS: The fact - no, but the link you seek to draw between the two ideas is complete nonsense.

The fact is that we didn't have this problem before the Rudd Government softened our policies in August last year. Between the time the Howard Government tightened the policies in August 2001 and the time the Rudd Government weakened the policies in August 2008, in that seven year period - there had been a problem before Howard tightened the policies, and the number of boats that came was reduced to zero and then a mere trickle. And it was still a mere trickle, by the way, in the first year and a half of the Rudd Government - sorry, the first year of the Rudd Government until the policies were weakened.

And now it has shot upwards. I've lost count of the number of boats. I think it's 45 or 46 now since the policies were weakened.

EMERSON: Two hundred and fifty under your lot, George.

MADONNA: So what would you do if...

BRANDIS: But hardly any after we tightened the policies.

EMERSON: And remember, there are now 250,000 Sri Lankans seeking asylum in developed countries because of a brutal civil war which is now finished, and they are fleeing Sri Lanka.

BRANDIS: Craig...

EMERSON: Five per cent of them are trying to get asylum in Australia.

BRANDIS: Two things...

EMERSON: ...95 per cent elsewhere.

BRANDIS: Two things about that. First of all, you keep saying, well, there are these additional push factors because the civil war is finished. The civil war itself was a push factor. People were fleeing from Sri Lanka while the civil war was going on.

EMERSON: Not in the numbers that they are now.

MADONNA: All right, just answer this question, George Brandis. What should Kevin Rudd do today?

BRANDIS: What Kevin Rudd should do today is to fix the problem...

EMERSON: [Laughs]

BRANDIS: And I am not going to tell him how...

MADONNA: You're going to get splinters.

BRANDIS: ...to fix the problem. It's a problem of his making. It's a problem of his making by softening the policies, sending out inconsistent messages. Tough rhetoric, weak policies.

This is the Government's responsibility...

EMERSON: You have no policy alternative, George.

BRANDIS: Our policy is our record, Craig. We...

EMERSON: Children behind razor wire. Children behind razor wire and temporary protection visas.

BRANDIS: ...stopped the boats. We stopped the boats.

MADONNA: Last question to you Craig Emerson. Did the Prime Minister win anything on the Melbourne Cup, and did he shout?

EMERSON: I don't know. I didn't back that horse although it was a good chance before the draw of the race. It was drawn at 22, the widest barrier. And even the trainer when it came around the corner, he was asked how he felt its prospects were, and he said 'shocking'. He didn't think it could keep going, and it did. So good on Kevin for picking it. I didn't because of the barrier draw. I knew too much [laughs]...

BRANDIS: I think Kevin...

EMERSON: ...for my own good.

BRANDIS: I think Kevin Rudd revealed something nobody ever suspected he had, and that is a sense of humour, because Shocking was a perfect epigram for his performance in the last fortnight.

EMERSON: He's a closet punter.

[Laughter]

MADONNA: And we'll leave it there. Senator Brandis, thank you.

BRANDIS: Thank you.

MADONNA: And Dr Craig Emerson, thank you.

EMERSON: Thanks Madonna.

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