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GILBERT: Good morning and welcome to AM Agenda. The second last parliamentary sitting week of the year is coming to end with a resolution finally to the Oceanic Viking stand off, and with the emissions trading scheme debate nearing its crescendo. Joining me this morning on the program to discuss these and the other matters of the day, the Shadow Attorney General George Brandis, and the Small Business Minister Craig Emerson. Gentlemen, good morning to you both.

BRANDIS: Morning Kieran. Morning Craig.

EMERSON: And good morning to both of you.

GILBERT: Craig, first to you. The deal finally done or honoured aboard the Oceanic Viking. This must be a relief for the Government?

EMERSON: Well it seems that the matter is resolved. This is not a typical situation. It was a rescue at sea, not in Australian waters, in Indonesian waters, and there has been an attempt by the Coalition to describe this as just part of the normal arrival of asylum seekers in Australia. It's not. It was a rescue at sea. We have an obligation to assist in a rescue at sea, that's an international obligation, so it's a very unusual situation but yes, it does appear that it's reaching a resolution.

GILBERT: And is there relief in Government ranks because it's gone for more than a month?

EMERSON: Well it's our job to govern in the national interest. And we will just continue to do that. And the fact that this looks like it's reached a resolution means that we'll move on to other issues, obviously in relation to the ongoing asylum seeker debate here in Australia. I'm

sure the Coalition will raise all sorts of panic and hysteria the next time a boat makes it into Australian territorial waters. We'll need to deal with that of course. We'll need to deal with climate change, we'll need to deal with the ongoing economic situation, and the myriad other policy issues that the Government is happy to grapple with because we've been elected to do that and to govern in the national interest.

GILBERT: Senator Brandis has there been too much attention paid on this one vessel given, as Craig Emerson pointed out, it has been a unique circumstance, that this boat was rescued in international waters?

BRANDIS: Well for a start I don't think that, although that is a relevant consideration, I don't think that's really the big difference. These people were asylum seekers claiming refugee status coming to Australia, and a special deal has been done for them. The Prime Minister refuses to reveal what the terms of the special deal are. He very implausibly said that he wasn't even aware of what was discussed at the high level ministerial committee at which he was represented by his own staff which I don't think anybody in Australia believes. And the fact is that the promise to these people, that their status would be assessed within four to 12 weeks, is an extraordinary difference from ordinary asylum seekers who, when processed off-shore, the Department of Immigration and Citizenship has a performance standard of processing 75 per cent of applicants within 52 weeks. So plainly a special deal has been made for these people. The fact that they were rescued at sea is not a material difference because the moment they are Australia's responsibility, they stand on the same footing as all other refugees, but they have been treated differently, and the Prime Minister continues to conceal why.

EMERSON: Well there's the point isn't it? George just said they are Australia's responsibility. The average processing time on Christmas Island is 12 weeks. The processing time in relation to these asylum seekers who have not yet been assessed, is estimated at 12 weeks. Now this is regarded as some sort...

GILBERT: But they're not in Australia. Craig Emerson the point that they're not on Christmas Island, they're in Indonesia.

EMERSON: But George has made the point that they were on their way to Australian waters, that's his contention, that they are an Australian responsibility...

BRANDIS: You've assumed responsibility, you've assumed responsibility for these people Craig.

EMERSON: Twelve weeks is 12 weeks, irrespective of whether it's on the Oceanic Viking, that group of people...

GILBERT: So you deny it's a special deal?

EMERSON: Well I'm just saying 12 weeks is 12 weeks.

BRANDIS: Oh Craig.

EMERSON: And 12 weeks for the Oceanic Viking people who have not yet been assessed, who have not yet been assessed by the UNHCR. The average processing time on Christmas Island, 12 weeks.

GILBERT: The Prime Minister describes it – I'll come to you in a moment, Senator Brandis – the Prime Minister describes it as 'non-extraordinary circumstances', 'different circumstances', all sorts of linguistic acrobatics at play in the last couple of weeks, except saying that this was a special circumstance. Why can't the Government just say that?

EMERSON: Well we have said it is a rescue at sea. These asylum seekers were rescued by the HMAS Armidale and then transferred to the Oceanic Viking.

GILBERT: But why not be open with the fact that it is a unique deal? A special deal?

EMERSON: What we've said, we have said that they were rescued at sea, and that is different from the normal way, that is at-sea, not in Australian territorial waters. That is different from the regular way in which asylum seekers who arrive by boat, and that is a small proportion, get themselves into Australian territorial waters and then are transferred to Christmas Island. It is unusual in those circumstances, we hope, and I think the Coalition would agree that there aren't a lot of rescues at sea. This is one of the very reasons why we are very tough on people smugglers and why so many are under trial here in Australia and a significant number have been convicted under this Government.

GILBERT: Well I'll let you respond to that, Senator Brandis but I also want to get your thoughts on Irene Kahn's comments from Amnesty International. She's had a go at both sides of politics, for the way that they've managed this and that they've inflamed the situation.

BRANDIS: Let me come to Irene Kahn in a moment but let me respond first to Craig. Either it's an extraordinary situation or it's a non-extraordinary situation. You're saying here this morning Craig, well this is an unusual situation, an extraordinary situation. Yesterday in the House of Representatives, the Prime Minister said this is a non-

extraordinary situation. Which is it? Is it extraordinary, non-extraordinary?

EMERSON: It is a rescue at sea.

BRANDIS: Is it extraordinary, non-extraordinary?

EMERSON: It is a rescue at sea George.

BRANDIS: So was the Prime Minister was lying to the House of Representatives when he said yesterday, here's the Hansard, that it was a non-extraordinary situation?

EMERSON: Well if you think that is the case, get up and make the case. You see Malcolm Turnbull...

BRANDIS: No we want to know where the Government stands.

EMERSON: Malcolm Turnbull has been alleging, for days, that the Prime Minister misled Parliament. The Prime Minister said righto, bring it on, where have I misled Parliament, and they just keep asking questions and then move on to health and education.

BRANDIS: Look Craig, this morning, here you are. The Government puts you out as its spokesman saying it's an unusual situation. Yesterday in the House of Representatives, the Prime Minister said this is a non-extraordinary situation. It can't be both. Which is it?

EMERSON: And Anthony Albanese said two days before...

BRANDIS: Another version.

EMERSON: No, he said then it is a rescue at sea and you know what, the guy who was supposed to appear on this program, Christopher Pyne, completely manipulated what he said.

BRANDIS: What's Christopher Pyne got to do with the price of eggs?

EMERSON: You weren't there because all of the Coalition frontbench tried to verbal Anthony Albanese for saying it was a rescue at sea. And it was.

BRANDIS: Craig, Craig, I want to give some advice: when you're in a hole, stop digging.

EMERSON: I've never heard that before George.

BRANDIS: Can I come to Irene Kahn?

GILBERT: I think it's appropriate that we discuss her comments because, and I'll get Craig Emerson's response as well, because Irene Kahn of Amnesty International, has been in Canberra the last two days criticising both sides of the politics and in fact elements of the media as well, for the way that this issue has been managed because the number of people arriving by boat is so much smaller than the number that arrive by plane. Is it all being inflammatory? Are we all beating it up for no real purpose?

BRANDIS: Well look, I saw what Irene Kahn had to say in her interview last night. It is, if I may say so, the sort of thing that you would expect the chief executive of a left-wing NGO to say.

EMERSON: If it's all rubbish, then stop wearing the Amnesty badge.

BRANDIS: Well you know Craig, I used to be in Amnesty International too, and I joined it...

EMERSON: You left it in the drawer did you?

BRANDIS: Yes I did leave it and I'll tell you when I left it. I left it some years ago when it stopped looking after prisoners of conscience and became a general, left-wing, NGO commentator on the domestic affairs of all the countries in the world and forgot about...

EMERSON: Then you and your colleagues should stop wearing Amnesty badges, and your hearts on your sleeves.

BRANDIS: ...and forgot about the prisoners of conscience. Anyway, let's come back to what Irene Khan said. It's the sort of predictable left-wing rant you would expect from a person who runs an NGO of the kind that Amnesty International, I'm sorry to say, has become. I think the Australian people don't particularly welcome the intervention of people from overseas, these gratuitous interventions in our domestic policy. And I think people will see her remarks for what they are. She insulted both sides of politics and it's a democracy, we are hospitable to the views of foreign visitors but I think the remarks should be seen for what they are.

EMERSON: Well she's right to this extent at least and that is that this debate has been designed from the Coalition and others to whip the Australian people into a hysteria. About 78 people in this case. Less than 2000 people arriving in Australia by boat, since the change of Government. And I think back, and it is a long time ago, to the handling of the Vietnamese asylum seekers who arrived by boat into Malaysia and so on. Malcolm Fraser was the Prime Minister. A decent man who handled it with some decency. And that had been the experience of the previous Labor Government. Then the Howard Government goes nuts on it. Then we have us trying to do

it in a sensible, non-emotional way and yet again Malcolm Turnbull is whipping it up.

GILBERT: Let's just move on now, because we've got a lot of other issues we need to get to. Let's turn to the emissions trading scheme. We know the Nationals are going to vote against the ETS. I spoke to the Nationals Senate leader Barnaby Joyce a little earlier for his views. We'll come back and discuss the ETS after the break. But first of all, let's go to Barnaby Joyce and hear what he had to say. I asked him, first of all, for his reaction to the resolution to the Oceanic Viking stalemate.

[Comment from Barnaby Joyce]

GILBERT: Welcome back to AM Agenda. With me the Shadow Attorney General Senator George Brandis and the Small Business Minister Craig Emerson. Senator Brandis we're hearing now from what's been described as the silent majority in the Liberal Party, those people speaking in the Senate in support of an amended ETS legislation. What's your view? Do you think this will finally go through, this legislation?

BRANDIS: Well if you're hearing from them they're probably not all that silent.

GILBERT: The once silent.

BRANDIS: There is a process underway. The Coalition at its special Sunday party room meeting several weeks ago authorised Ian McFarlane to enter into good faith negotiations with Senator Wong. He has been doing that. I think both of them have been devoting an enormous amount of time in the last few weeks to trying to reach an agreed position. That, as far as I'm aware, hasn't happened yet but the negotiations are continuing. I would rather not anticipate what the outcome would be. The Coalition does not support the bills in their existing form. We voted against them three months ago. We voted against them earlier in the week in the House of Representatives. But the fact that we have decided to seek to improve them by entering into good faith negotiations suggests of course that we are open to the possibility of an agreement. It's really for the Government to make the concessions to the Opposition which we have sought.

GILBERT: I suppose the point that's made is that the rebel force have been outspoken....

BRANDIS: Rebels always are.

GILBERT: That's a fair point.

EMERSON: The silent rebels.

GILBERT: Those that backed Turnbull's approach haven't really been taking this argument out there. They've been letting the rebels, the climate change sceptics and so on make their case but at the end of the day those that want the legislation through will win?

BRANDIS: As I say I'm not going to speculate on the outcome because I'm going to respect the process. I've respected the process since the process began and I think when you make the observation that a lot of the people backing Malcolm Turnbull haven't been so outspoken, well they've been respecting the process. We have a great deal of confidence in Ian McFarlane's competence and pragmatism in these negotiations and he will, when they reach a conclusion, come back to the Shadow Cabinet and in turn to the party room with a recommendation. I don't know what that recommendation will be and I will await his report back to us before being a commentator on this.

GILBERT: Okay. Craig Emerson the Government says it's in good faith negotiations but every day this week it's opened fire on the Coalition with both barrels in question time. Why is that? If you're really in good faith talks why spend most of question time putting the boot into the other side?

EMERSON: We do believe that Ian McFarlane is negotiating in good faith. The question is who wins the day in the Coalition.

GILBERT: It's not going to help you guys putting the boot in is it? Do you want a deal?

EMERSON: Yeah we do and if we can put more pressure on those that are public saying they will not support a deal then I think that's a good thing for Australia. That actually increases the chances. Now we just heard Barnaby Joyce talking about fuel watch. For he and all his followers and supporters in the National Party and the Liberal Party who are against any deal on climate change, what do they believe in, climate watch? Watch the searing heatwaves going through South Australia, western NSW, 30 degrees overnight in Melbourne. Watch the tropical cyclones coming further and further down the coast. That's their answer to climate change. Sit back and climate watch. Now that is a betrayal of Australia's national interest and of future generations.

GILBERT: If you really want a deal why aren't you more conciliatory in Parliament? You're coming out every day this week and putting the boot in.

EMERSON: For the very reason I just gave. Whenever we mention the word climate change you'll get the member for Tangney, the member for Kalgoorlie, you'll get front benchers, you'll get Alby Schultz, they

just come out, the mad uncle Wilson Tuckey. All of these mad uncles and aunties and wacko cousins and daughters and nephews, they just rise up because there is a lot of them. They come out whenever we say the words climate change and get very heated about this. The question is, pardon the pun, the question is who will win the day? We're barracking for a decent outcome here but there are plenty of people who are against one.

BRANDIS: Craig, Craig, Craig. All I can say after all that hysterical rhetoric and verbal spray is that next week you are going to look very silly if in fact there is an agreed resolution on this.

EMERSON: We want an agreement.

GILBERT: Okay. A few minutes to go but I want to get your thoughts on Mike Kaiser the chief-of-staff to Anna Bligh being paid \$450,000 a year in a role on the National Broadband Network.

BRANDIS: Well we think it is disgraceful. It is way outside market expectations or the market standard for the job he has been given which is the head of government relations. There are no people who are the heads of government relations in major Australian corporations who are paid nearly half a million dollars a year, more than the Prime Minister is paid. It is a well known fact that Mike Kaiser is a mate and political ally of Senator Conroy so this is a matter of great concern and what exacerbates our concern is that the Government had to be pressed to reveal these facts. Initially it tried to conceal them. It was only after Senator Minchin moved a motion in the Senate requiring the production of the document that contained the contract, a motion which was supported by the minor party, that the Government was forced under pressure to reveal this waste of taxpayer's money on a Labor mate.

GILBERT: Let's get Craig's response?

EMERSON: Well George is inferring that Stephen Conroy or someone in the Government set this salary and picked Mike Kaiser. That is not true. This is a reflection of what happens in the corporate world and people like George as an eminent lawyer have sacrificed a fair bit of money to come here. He doesn't complain about that. If you want to go into the corporate world then the pay is higher. This was a rigorous assessment process and it is just the reality of life in the corporate world where people get paid a lot more. They get paid more than George Brandis. They get paid more than the Prime Minister. Departmental secretaries, I understand, get paid more than the Prime Minister. Well that's life.

BRANDIS: If this was an arms-length commercial transaction why is his salary \$450,000 a year, way beyond the market salary for heads of government relations at major Australian companies?

EMERSON: You know a lot more about the corporate world as to what the rate of pay is for a government relations person in a major corporation and I don't think that is the case. I don't think you're right in asserting that Steve Conroy selected Mike Kaiser and determined his salary.

BRANDIS: I said he's a mate.

EMERSON: We know what the inference is....

BRANDIS: We all know about the Labor Party and mates.

GILBERT: One more question....

BRANDIS: We all know about the mate culture of the Labor Party, Craig.

GILBERT: I just want to ask, we've got 40 seconds left. Is it fair that Chris Hayes is kicked out of Werriwa to make room for Laurie Ferguson?

EMERSON: Well the seat of Fowler is also a very good seat. It's not very far away. That's the way the Labor Party has made its decision in NSW. I don't get involved in that.

GILBERT: You don't listen to rank and file?

EMERSON: Well let's talk very quickly about rank and file. Dennis Jensen, one of these climate change deniers, was twice defeated in a rank and file ballot in the seat of Tangney and reinstated by the Liberal Party.

GILBERT: Thank you for your time Craig Emerson and Senator George Brandis. As always great to see you both.

EMERSON: Thanks.

BRANDIS: Thanks very much Kieran.

GILBERT: I'm Kieran Gilbert. Thanks for your company.

Ends.