

INSIDE CANBERRA  
WEDNESDAY, 2 JULY 2008

**HON CRAIG EMERSON MP**

MINISTER FOR SMALL BUSINESS, INDEPENDENT CONTRACTORS AND  
THE SERVICE ECONOMY  
MINISTER ASSISTING THE MINISTER FOR FINANCE ON  
DEREGULATION

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**SUBJECTS:** Dennis Ferguson, media coverage, industrial relations,  
Liberal/Nationals merger, Alexander Downer and State of Origin

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KING: Craig Emerson, Small Business Minister in the Rudd  
Government. Good morning.

EMERSON: Good morning Madonna.

KING: And Steve Ciobo, Liberal MP for Moncrieff, standing in this week  
and for the next couple of weeks for Opposition Attorney General, Senator  
George Brandis. Steven Ciobo welcome back to 612 ABC Brisbane.

CIOBO: Thanks Madonna. Good to be here.

KING: And first to this really big issue that people want to address this  
morning. How should Anna Bligh handle the case of Dennis Raymond  
Ferguson? Craig Emerson.

EMERSON: I think it is being handled appropriately. As your listeners know,  
the Attorney, Kerry Shine, has now moved to appeal this decision to talk to  
the Director of Prosecutions and so those procedures seem to be correct. I,  
as a father, would be very concerned about a fellow like this being able to  
roam freely, but in fact, as I'm advised, he's on an isolated property and the  
police are monitoring his movements very, very carefully.

KING: Well they're monitoring, but they can't stop him getting in a car  
today, coming into Queen Street Mall, driving past schools. They can't, he's a  
free man, he's served his parole, he's served his time. Craig Emerson I want  
you to be really honest. As you say, you're a dad. If he moved into your  
street, do you think you're entitled to know that information?

EMERSON: I would like to know that as a dad. There have been cases  
overseas, Madonna, where vigilantes have sort of moved in, in these sorts of  
situations against an alleged paedophile and, in fact, have created a bit of  
violence on people who, in the end, turned out to be cases of mistaken  
identity. So we have to be careful about this. He is a man who has served  
his sentence. I would love to say to you I have a clean, easy, simple solution  
to it, but we do have a justice system which says once you've served your  
time you then can be free. But as a dad I can only say I would be very  
concerned if someone like that was in my street.

KING: Steven Ciobo, you're from the Gold Coast. Have you seen the *Gold Coast Bulletin* this morning?

CIOBO: Ah, the front page, yeah.

KING: And they're calling on people, if you see him, if you sight him to ring this special number so that they can put pressure on authorities to put him away. He is a free man. Is that irresponsible or is that actually responding to community concern?

CIOBO: Look, there's no doubt there's genuine community concern Madonna. People want to know, who's living in their street, who's living in their neighbourhood and I think that the community generally has a right to know that. Like all of these complex questions in a democracy, we need to balance up the rights of the community against the rights of the individual. These aren't simple clear cut cases but fundamentally when I look at this Judge's decision I find it curious in the extreme Madonna. I mean I think Hetty Johnson makes a good point when she says, well the reason he's notorious, the reason he's well known is because he's a repeat child sex offender and frankly, I find this decision curious because it would be like saying that we can't try Ned Kelly because Ned Kelly's also, you know, was notorious in his time and I really think it underscores and belittles the general community's ability to go into a court room to receive instructions from the Judge and to make an impartial decision.

KING: So you're saying that a jury, even hearing a name, because on everyone's lips now is the name Jayant Patel, but do you think people can go into a court room, sit there and take out of their mind everything they've heard and as a juror sit down, listen to that evidence and make a decision based on that?

CIOBO: I absolutely believe that if a jury walks into a court room, especially a jury that doesn't have legal training or anything like that, which happens every day of the week and they are able to receive instructions from the Judge about what the elements of the offence are, and then make an assessment as to what the facts were, then I also believe they can make an assessment exactly of the type we've been talking about.

KING: You've been quite strong about, that the jury, I mean the justice system, but with both of you, as you say, it's a fine balance. You're saying that people should know who are in their street and should be alerted to where he might live. On the flipside of that, neither of you for one moment would be encouraging vigilante attacks.

CIOBO: Of course not.

KING: When he was last released he was the subject of people throwing things at his houses, neighbours wanting him removed, people staying there overnight watching what he was doing. How do you hop on one side of the fence or the other? What should happen today?

EMERSON: As I say the police are monitoring him and to address your point about, I don't think Madonna for a moment that if he jumped in a car they'd say ok, well we've stopped monitoring him...

KING: No, no, but there, when you say monitoring people are thinking that they have the power to stop him going somewhere. They don't. He's a free man, so he can actually move from that property today and move into the house next door to you Craig Emerson, or to any of my listeners. I'm not saying that's wrong or right, what I'm saying is monitoring gives the impression that police can stop him doing that. They can't.

EMERSON: Well I accept that and I'm not suggesting that monitoring does involve that but could I just pick up on a point that Steve made and generally agree with him. It does seem perverse that someone who has offended on several occasions, who becomes notorious, that is well known to the public in a bad way, then is in a position or could be in a position where, according to a judgement, this person can't receive a fair trial. In other words the worse you are, the greater protection you have from justice. That really is going the wrong way and I think there's a problem with that.

KING: And I think part of the problem here as both of you have said is what you do is difficult and there's this fine balance between the rights of someone who has served their time and the rights of a community who, understandably and genuinely, are concerned on whether that's his last crime. Can I move on and we're *Inside Canberra* this morning with Steven Ciobo, Liberal MP for Moncrieff, and Dr Craig Emerson, the Small Business in the Rudd Government. Last night watching the news and a couple of people have said this to me, Dennis Ferguson, an alleged axe murderer, a murder at Fraser, a mother of a baby who had taken her child out of the hospital and the child only had 24 hours to live. You've both been around for a while. Is our nightly diet or our morning diet of what we're hearing on the news, is our community so much worse now?

CIOBO: I don't believe it's worse Madonna. I think we see with media, I mean, my wife's a trained journalist and I'm sure I'm not telling you anything you don't know, Madonna, but I'm told the primary news value is conflict. I think as a society we need to look at what it is that drives our news values. For conflict to be the number one news value it's always something I've found quite bizarre.

KING: But surely, the case of Dennis Ferguson, the case of the alleged axe murderer, the case of a murder in our backyard are all things that warrant our attention at the top of the news?

CIOBO: Well they are things that warrant our attention, but are they more deserving of our attention? Is a car crash more deserving of our attention than, you know, advances in medical research, advances in other areas which really it seems don't receive anywhere near the same prominence that negative news does.

KING: An interesting point Craig Emerson. How do you see that?

EMERSON: Well, I have in the past, in my younger years been critical of the media for putting these sorts of stories to air, but Steve's point again is right. The media put this to air because that is what people want to see and hear and I'll give you a very quick example. You know in Question Time, that's what usually goes from Parliament to air. Some sort of blue between the two Leaders. Most of the time in the Federal Parliament we get on very well and the Opposition passes our legislation and vice-versa when the tables are turned. But you can't put that as a news bulletin: today great news, a piece of legislation passed because people say how bloody boring is that!

KING: Yes, that's what we pay you to do. But taking up Steve's point, you know, a road toll versus advances in science, presumably both important stories. Is it that one's in the here and now, you're more likely probably to be affected by the road toll than a minor step in the advancement of medicine. Is that...?

EMERSON: Well if I can say something positive, very positive, about the ABC here. It is usually the ABC who run stories about advances in science and technology; the commercial stations less so. Maybe that reflects priorities in audiences and so on...

KING: But I want to be fair to the commercial stations here too. I didn't see the ABC news last night but I presume Dennis Ferguson, the axe murder would have all been in the same position as the commercial stations.

EMERSON: It would have to. In terms of overall violence and murders and so on, my understanding from the statistics is that we are actually getting safer, but sometimes you get a spate of these things all happening at the one time and I don't blame the media for putting this to air because it is scary. But I don't think it actually reflects an overall deterioration in, you know, in safety or an increase in the rate of murders. But sometimes they all happen together and frankly, I've been horrified watching it and listening to it and you don't hope it's the establishment of a new pattern. I don't think it is.

KING: Ok, twenty four minutes past nine. I'm Madonna King *Inside Canberra* this morning with Dr Craig Emerson and Steven Ciobo. I'm a journalist and, in your words Craig Emerson, in search of conflict. You two seem to be agreeing on everything. What about...

EMERSON: It's only a matter of time Madonna.

KING: I'm pleased to hear that. Let me raise this word – Qantas. I don't mean the frequent flyer points, but the industrial action. Steven Ciobo, what is happening here?

CIOBO: Well Madonna, let's look at some facts. What we know is that the level of industrial disputation in the first quarter of this year is almost equal

to the entire number of industrial disputes that occurred in the last year of the Howard Government. So we've seen a massive ramp up by the union movement under this Rudd Labor Government. Now, this latest series of strikes which has been ongoing now for some time by the ALAEA, that's basically the Licensed Engineers together with the Qantas management, or I should say, against Qantas management, really is a thorn in the side because we're seeing no leadership, no direction by the Labor Government to get these guys back to work and to take the tourism industry and the aviation industry forward.

KING: But maybe they've got a good point?

CIOBO: Well, it's been 18 months Madonna. I mean I've no doubt that they do have a good point, but let's look at what we need to do to drive this nationally crucial piece of infrastructure that aviation is, not only for tourism but for all of those people travelling on business and all of those things.

KING: Craig Emerson, are the unions using the fact that Labor is in power to go a little bit further?

EMERSON: I'd make two really fundamental points here. One is that a large number of enterprise bargains are coming up. They're expiring all at once. That's just how it was. That's how it was set up under the previous Government and therefore you will get people undertaking what is called protected industrial action. They are allowed to do that under the law. Whose law? The previous Government's law. The industrial action that Steve talks about is taking place under the law that was established by WorkChoices. Now we will get rid of WorkChoices. We have not been able to do that just yet. The timetable is a little bit further out than that but if Steve thinks that the legislation is so bad, how come the Coalition was talking up the value and the virtues of WorkChoices?

CIOBO: Well I'm not saying the legislation's bad at all Craig and I think you're being a little misleading frankly. I mean what we have here Madonna is a case where this level of industrial disputation has not been reached for a long time. We've got in one quarter the same level of industrial disputation that took place over a full year under the Howard Government.

EMERSON: Is any of that, not protected industrial action?

CIOBO: But Craig, this was certainly, and is, Coalition legislation. However the Government under that same legislation has the ability to make a decision, to show some leadership and to end this industrial dispute which the Government isn't doing.

EMERSON: I'm just saying, and covering the point again, there has been an increase in industrial disputation which you would expect when a whole range of enterprise agreements come up for renewal and renegotiation at the same time.

CIOBO: This is a consequence of a lack of leadership.

EMERSON: That's what explains an increase in industrial disputation. No-one has said, and Steven has not said, that this is illegal unlawful industrial action. However, we do feel very strongly about ensuring that we've got a viable tourism industry and that's why Martin Ferguson, as the Tourism Minister, is working so hard, went to Cairns not so long ago to support the tourism industry there.

CIOBO: He didn't Cairns Craig.

KING: What do you mean? Did he or didn't he?

EMERSON: Actually, that's correct, I think he was in Brisbane, but announced a rescue package for...

KING: Ok, how are we going to resolve this? Is this just going to go on and on and on?

CIOBO: Madonna, it needs leadership and the fact is we do not have leadership from this Government. The trade union movement basically owns the Rudd Labor Government and that's why we're seeing Kevin Rudd be completely quiet in giving any leadership or direction.

KING: Craig Emerson, how do you think it will stop?

EMERSON: Well, we have called upon the parties to come to a resolution...

KING: Well, they haven't done that have they?

EMERSON: I know they haven't done that. But what are we going to do? Pass a law saying that, a new law, you know more draconian than WorkChoices which is difficult to imagine, and say this is not protected industrial action? I mean what is the proposition? It's all right for Steve to sit in Opposition and say they ought to do this and they ought to do that. This is happening under the laws that were put in place by John Howard and fully supported by Steven Ciobo.

CIOBO: Madonna, they have the ability under the legislation now to stop this strike.

KING: Twenty eight and a half minutes past nine. One area of disagreement, obviously being Qantas and you might have a view there. Steven Ciobo, any impediments now to a new conservative party? The Liberal grassroots seem to want that merger with the nationals?

CIOBO: Look, I've been buoyed by the fact that we've seen such a strong level of support by the both the Liberal Party and the National Party. This still is only the very beginning of a long journey?

KING: Do you support the merged Party?

CIOBO: Absolutely, it's very good at a State level.

KING: But some of your colleagues don't. Do they?

EMERSON: Like George Brandis.

CIOBO: Well, look Madonna, I mean the fundamental issue here is that I don't believe it's going to have a positive effect on a federal level. But at a State level it certainly is going to make a very big difference.

KING: But can you genuinely do it in one State that feeds a lot of MPs to Canberra?

CIOBO: Well it's already happened in the Northern Territory with the CLP.

KING: A slightly different proposition.

CIOBO: It is slightly different and as I said this is just the first step in a long journey, but we need a united conservative force against Labor.

KING: Is there a, and be honest with me, a fight behind closed doors between some of those senior Liberals who have been there for many years who think this isn't the appropriate way to go?

CIOBO: I don't think there's a fight. There's certainly been much discussion and look, would you want it any other way Madonna? I mean, let's be honest, within the Liberal Party and within the National Party we want to have robust discussions about the best way forward.

KING: A view on that Craig Emerson?

EMERSON: I don't want to get into being a commentator on whether a merger should occur and what's happening behind closed doors. I just urge the Coalition parties, the Liberals and Nationals, to start articulating what they actually stand for rather than them, as was said by a front bencher the other day, united in their hatred of Labor. I don't think that's good for the country, that that's why they exist, to hate Labor. I think they need to start setting out, properly, a unifying political philosophy.

KING: Ok, a couple of really quick answers to this. Alexander Downer, he's quitting Parliament. How do you think he will be remembered? Craig Emerson? A brief response.

EMERSON: Quite positively, but we're very strongly opposed to the war in Iraq and we don't believe that Alexander Downer did anything like the right thing in relation to the Wheat for Weapons scandal.

KING: All right, and here I thought you were going to talk about the fishnet stockings. To Steven Ciobo, how will you remember?

CIOBO: Look Australia's as longest serving Foreign Minister he certainly put Australia on the map, gave us a stronger presence in the south-east Asia region. I think he'll be remembered positively.

KING: The last question, Michael Caton of *The Castle* fame briefed the Queensland team on Monday night. What would you tell them if it was up to you? You're called into a private meeting and you had to gee-up the Maroons for tonight? Steven Ciobo?

CIOBO: You're State's pride is resting on your shoulders.

KING: And do you think they'll do a better job knowing that?

CIOBO: It's incentive. It's incentive Madonna.

KING: Yes. Craig Emerson. Wayne Swan and the Prime Minister, Kevin Rudd, also briefed the Maroons team on Monday night. Someone raised the question with me, do you think Wayne Swan was capable of geeing up the Maroons?

EMERSON: Well, I wasn't there but I certainly wouldn't be giving advice, you're talking about Michael Caton and *The Castle*, you wouldn't say it's 'the vibe' would you? You would want to get in there and, you know, sort of grunt and groan a bit and pack down a scrum and maybe do a Tommy Raudonikis and slap each other around the face a bit and get out there, eat raw meat and kick the Blues' arses.

KING: Craig Emerson, I don't know if you're allowed to say that word on my program.

EMERSON: Bums.

KING: Oh, all right. Or, as I'm teaching my three year old, not bums, bottom.

EMERSON: Bottoms.

KING: After she asked someone to wipe her bum at kindy, I thought it's time I had the chat to her. Craig Emerson, thank you.

EMERSON: Ok, thanks Madonna.

KING: Who would have thought I was giving the same chat to Craig Emerson, as my three year old. Steven Ciobo, thank you too.

CIOBO: Thank you Madonna.  
ENDS