



ACTING **PRIME MINISTER**

FOR MEDIA

18 DECEMBER 1984

As one of its first priorities, the Government has been considering the final report of the Costigan Royal Commission along with advice from officials on every recommendation made in that report.

Report Passed to National Crime Authority and Other Agencies

The majority of the report's recommendations called for further investigations. There had been swift action by the Government to ensure that copies of the full report were passed, as soon as they were received, to the relevant agencies - particularly the National Crime Authority and also the Australian Federal Police and the Director of Public Prosecutions - in order that they could take appropriate action. The Government has now been advised of the action which these agencies have taken on these matters.

The Government has previously indicated it is looking to the National Crime Authority to have the primary responsibility for decisions on pursuing the outstanding Costigan inquiries. Consistent with this approach, the Commonwealth's position is not to accept Mr Costigan's recommendation that a further Royal Commission should be set up in relation to matters arising out of Volume 7 of

the report. The Authority has sought and has been granted a reference by the Commonwealth on these matters, and the Government is satisfied that the Authority will be able to pursue effectively the necessary investigations.

Action by National Crime Authority

The National Crime Authority is giving attention using its general powers to the other matters in the report which Mr Costigan believes warrant further work. In respect of some of them, it has sought and been granted by the Inter-Governmental Committee of the Authority references which will enable it to exercise coercive powers. As well, the Chairman of the Authority, Mr Justice Stewart, announced at the Authority's first public sitting on 13 December, the general nature of the action which would be taken on the forty-two codenamed cases from the Costigan Commission.

Legislative and other Policy Changes

The report also made recommendations for legislative and other policy changes. Although the Government had not been able to take action during the caretaker pre-election period, proposals for further action on these recommendations have now been agreed.

Major recommendations involved proposals for a Taxation Investigation Tribunal, a Special Tax Investigator and a Port Security Authority. Ministers have been asked to bring forward submissions on these recommendations.

Recommendations having implications jointly for the States and the Commonwealth will be processed in conjunction with the States, including through the relevant Ministerial councils. Recommendations dealing with more detailed matters are being studied by the relevant departments and law enforcement agencies. Final action has been taken on some while others will be dealt with by submissions which will be coming forward for Government consideration.

The Government also reviewed action on those recommendations from previous reports where consideration was yet to be finalised. It has called for submissions to be brought forward in the new year.

Costigan Recommendations on National Crime Authority Act

The Government has examined the recommendations made by Mr Costigan concerning the National Crime Authority Act. Mr Costigan's major recommendation for amending the Act was to remove the need for the Authority to seek references from the Inter-Governmental Committee. The legislation has been deliberately structured so that coercive powers can only be exercised on matters referred to the Authority by the Inter-Governmental Committee. The Government believes that this requirement strikes the right balance between the independence and accountability of the Authority and also provides for the essential involvement of the States.

The Government's position is that the National Crime Authority should be given a fair trial under its existing legislation. This can then be reviewed if, after a suitable period, it seems that amendments might be desirable. A mandatory review within five years will be necessitated by the sunset provision of the legislation. However, the Government has made clear there will be a swift and sympathetic response if the National Crime Authority indicates that the powers it has under its Act are inadequate for it to perform its important work.

Public Naming of Suspects

The Government has noted the wide range of views and concerns which have been expressed about the approach taken by the Costigan Royal Commission in its final report; a similarly wide range of views was expressed in the National Crimes Commission conference held in July 1983, and in subsequent debate about the National Crime Authority legislation.

The Government remains completely committed to the fight against organised crime. But it believes this fight can and must be waged without encroaching on fundamental civil rights.

The Government specifically reaffirms that it rejects as a means of combatting criminal activity the policy favoured by Mr Costigan of public exposure of persons suspected of criminal activities. There is no place in our legal system for guilt by accusation or denunciation.

Action on the recommendations of the Costigan Royal Commission is accordingly in hand. The Special Minister of State will issue on behalf of the Government a detailed response on the recommendations during the forthcoming Autumn Sittings of the Parliament.