



PRIME MINISTER

STATEMENT BY THE PRIME MINISTER, THE HON P. J. KEATING, MP

THE HON ALAN GRIFFITHS - INQUIRY

When I announced Mr Griffiths' resignation from the ministry on 22 January I said that I intended granting his request for an independent inquiry to determine whether his conduct had met appropriate standards of ministerial behaviour. I also said I had informed Mr Griffiths that I would advise Caucus not to fill the vacancy caused by his resignation until after the investigation was concluded.

I now understand that the Director of Public Prosecutions (DPP) has approved the laying of criminal charges arising from the Australian Federal Police investigation into matters upon which Mr Griffiths had provided information to the AFP. The police investigation found no evidence of criminal offences by Mr Griffiths, and accordingly no charge has been laid against him.

The Attorney-General's Department has advised that until court action in relation to charges which have been laid is complete it would be inappropriate for a government-appointed inquiry into Mr Griffiths' conduct to proceed if it would hamper the defence by a person of any charges pending in the courts. I am advised that, even if this were not the case the DPP would be concerned if persons who were witnesses in a pending criminal case were also being asked to give evidence about the same issues to an administrative inquiry.

I am of course concerned at the delay implied by this advice, particularly because I am aware that Mr Griffiths is anxious to have these matters disposed of and his future resolved as soon as possible. In the circumstances, however, I have decided that while the independent inquiry can now begin it should restrict itself, until relevant criminal cases are concluded, to matters which can be investigated without hampering any person's defence or taking evidence from potential witnesses in those cases.

The terms of reference of the inquiry are as follows:

Whether the conduct of the Hon Alan Griffiths in relation to the matters leading to his resignation from the ministry was in accordance with appropriate standards of behaviour for a person holding office as minister and a member of parliament and, in particular:

- whether there was any conflict between his private interests and the performance of his public duties and;
- whether he authorised or condoned any inappropriate, improper or illegal activity by any of his staff in relation to the conduct of his private interests.

The inquiry is entitled to adopt any findings made by other official inquiries if it appears sensible to do so. In case other matters arise which appear to bear on Mr Griffiths' fitness to hold ministerial office, but which do not fall strictly within the above terms of reference, the inquiry will have discretion to inquire or not, depending upon its judgment of the relevance, seriousness and substance of such matters.

The inquiry will be conducted by Mr Michael Codd, AC, who has wide experience in and knowledge of issues related to ministerial conduct and propriety. Mr Codd was Secretary of the Department of Employment and Industrial Relations from 1981 to 1983, Chairman of the Industries Assistance Commission from 1983 to 1985 and then became Secretary of the Department of Community Services, before being appointed Secretary of the Department of the Prime Minister and Cabinet in 1986.

I am attaching a copy of a letter I have today sent Mr Griffiths informing him of the inquiry. Also attached is a copy of my letter to Mr Codd.

CANBERRA
23 MARCH 1994



PRIME MINISTER

CANBERRA

23 MAR 1994

The Hon Alan Griffiths, MP
Member for Maribyrnong
Parliament House
CANBERRA ACT 2600

Dear Alan,

I am writing to you to confirm our discussions concerning the inquiry into the circumstances leading to your resignation from the ministry.

As I indicated to you, the situation is such that the inquiry will not be able to proceed as quickly as we both initially had hoped.

In the light of this I appreciate your willingness to accept that it is now necessary for the proper functioning of the Government to proceed to fill the ministerial vacancy which had previously been held open pending the outcome of the inquiry.

Once the inquiry is complete and if its findings, as you expect, are that your conduct was not such as to call into question your fitness for ministerial office, it is my intention to facilitate your return to the ministry at the earliest opportunity.

Yours sincerely



P J KEATING



PRIME MINISTER

CANBERRA

23 MAR 1994

Mr Michael H Codd, AC
RMB 35A
Monaro Highway
WILLIAMSDALE NSW 2620

Dear Mr Codd

I am writing to request you to inquire into and report on whether the conduct of the Hon Alan Griffiths in relation to the matters leading to his resignation from the ministry was in accordance with appropriate standards of behaviour for a person holding office as a minister and a member of parliament and, in particular:

- Whether there was any conflict between his private interests and the performance of his public duties
- Whether he authorised or condoned any inappropriate, improper or illegal activity by any of his staff in relation to the conduct of his private interests

In inquiring into the above matters, you are entitled to adopt any findings made by other official inquiries if it appears sensible to do so. In case other matters arise which appear to bear on Mr Griffiths's fitness to hold ministerial office, but which do not fall strictly within the above terms of reference, you will have discretion to inquire or not, depending upon your judgment of the relevance, seriousness and substance of such matters.

The Attorney-General's Department has advised that until court actions in relation to criminal charges are complete it would be inappropriate for a government-appointed inquiry into Mr Griffiths's conduct to proceed if it would hamper the defence by a person of any such charges. I am advised that, even if this were not the case the DPP would be concerned if persons who were witnesses in a pending criminal case were also being asked to give evidence about the same issues to an administrative inquiry.

I am of course concerned at the delay implied by this advice, particularly because I am aware that Mr Griffiths is anxious to have these matters disposed of and his future resolved as soon as possible. In the circumstances, however, I have decided that while your inquiry can begin you should restrict yourself initially to matters which can be investigated without hampering any person's defence or taking evidence from potential witnesses in those cases.

You will not have any special powers of compulsion in relation to the giving of evidence or the production of documents, but you will have access to official records in the relevant agencies of the Commonwealth. Your inquiry should be conducted in an inquisitorial rather than adversarial manner. It would be appropriate for you to invite submissions from parties who may have information that would be useful to the inquiry.

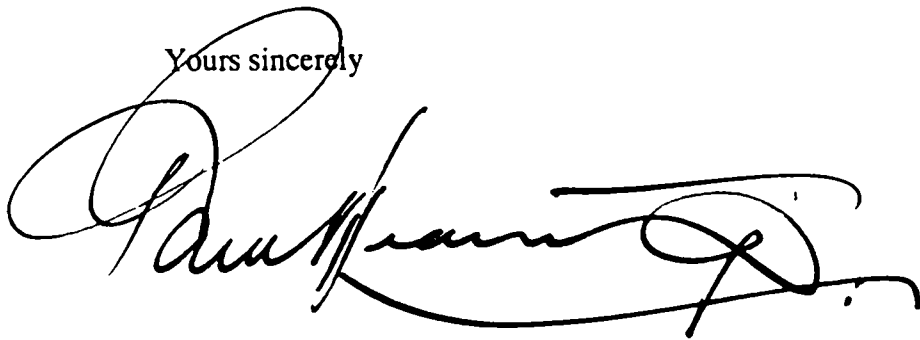
You will have access to legal resources, including the legal resources of the Attorney-General's Department. Mr Rose, the Secretary of the Department, is available to discuss with you the precise nature of the assistance you may require, for example in relation to the conduct of interviews.

Persons interviewed in the course of the inquiry should be permitted if they so desire, to have their legal representatives present during such interviews, with the right to make submissions on their behalf should they so wish. The government will consider any applications that may be made to it for financial assistance for such legal representation by persons centrally involved.

You may also wish to consider the desirability before finalising your report, of affording affected individuals the opportunity of responding to any adverse conclusions you may have reached.

I am attaching a copy of a media release in which I have outlined the above matters. I would be grateful if you could begin the inquiry as soon as possible, subject to the limitations I have indicated above, and provide me with your report within three months of completion of the prosecution actions involving people associated with these matters.

Yours sincerely

A large, stylized handwritten signature in black ink, likely belonging to P J Keating. The signature is fluid and cursive, with a prominent loop at the beginning and a long, sweeping underline.

P J KEATING