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PRIME MINISTER'S STATEMENT TO THE HOUSE OF REPRESENTATIVES
CONCERNING CORRESPONDENCE FROM MR COMMISSIONER COSTIGAN

Mr Speaker

13 Sept 1984

I seek leave to make a Statement relating to the documents.

Last week the Leader of the Opposition asked a number of questions about the concern expressed by Mr Costigan regarding the progress of the transition from the Royal Commission to the National Crime Authority on 6 September. I informed the House of the position in the following terms:

'It is the wish of the Government to see an effective transition from the proceedings and processes of the Costigan Royal Commission to the National Crime Authority. It is clear that Mr Costigan and the National Crime Authority have a different view on the adequacy of the transition arrangements. While Mr Costigan appears to believe that there will be problems with the transition, the National Crime Authority has advised that its members 'disagree' unanimously with Mr Costigan's assessment of the situation. Clearly this is a matter between Mr Costigan and the National Crime Authority. I am pleased to say that to assist the House I will table later this day the full correspondence from Mr Costigan and the National Crime Authority on this matter. (House of Representatives Hansard - 6 September 1984 - p. 706).

That is exactly what I did last Thursday. Indeed a broad view was taken of what documents were relevant to the exchange of views on the progress of the transition. The correspondence tabled last Thursday went back to the letter I sent Mr Costigan on 21 June 1984, upon the passage of the National Crime Authority Act. This letter confirmed the arrangements for the transition agreed between the Special Minister of State and Mr Costigan at their meeting in March of this year.

On 1 September the Leader of the Opposition read out a list giving the dates of other correspondence between Mr Costigan and me. As he indicated, these letters were not included among those tabled on Thursday. A cursory inspection of the dates involved would have shown that they all dated back to at least March, and in a number of cases to 1983.

These letters cover a period well before the transition commenced, and well before the National Crime Authority had come into existence. Indeed, the date of the first letter mentioned by Mr Peacock showed it was written four days after this Government was sworn into Office.

I at no stage indicated that I was purporting to table related correspondence with Mr Costigan extending back to the commencement of my Government. Nor was this sought by the Opposition prior to the tabling. But, to make it crystal clear that this Government has nothing to hide in this matter, that is what I have just done.

I am sure Honourable Members will be interested to examine the correspondence which was of such interest to the Leader of the Opposition last Friday. Let me outline some of its contents to Honourable Members.

Mr Costigan first wrote to me about his activities on 15 March 1983, a mere four days after this Government had formally assumed Office. In that letter Mr Costigan referred to the investigations which had taken place under the previous Government. He referred to the methods by which organised crime had 'raped the Australian community'.

The Commissioner stated:

'Quite frankly, I am appalled at what I have found'.

He referred me to a number of letters he had written to my predecessor.

He reminded me that his previous report had recommended that a permanent body was needed to maintain the impetus and trend of his investigations. He expressed concern that the proposed National Crimes Commission Act had been 'emasculated' by the 'Spender' amendment. Mr Costigan sent me a further letter 10 days later, following his meeting with the Attorney-General, raising similar concerns.

I met with Mr Costigan on 30 March 1983, to discuss those matters and indicated subsequently, in a letter of 11 April, that the Government had decided to consider the matter at further length before making any final decisions on the future of the Crimes Commission.

The Government, as part of its consideration of the issues, subsequently conducted a National Crimes Seminar in the Senate Chamber to discuss the kind of body which might be established.

There followed an extensive period of consultation with Mr Costigan. As the correspondence I have tabled demonstrates, the Government made every effort to respond to and to accommodate the requests made by Mr Costigan. Indeed, on 26 October 1983, I indicated that the Government would extend the Commission - then due to terminate at the end of the year - for a further four months. This offer was made without any written requests from Mr Costigan for an extension.

I wish to outline the nature of subsequent exchanges in some detail. Mr Costigan, in reply to my proposal of 26 October 1983, criticised the powers that were proposed for the new Crime Authority, and indicated his view that no date for the termination of the Commission should be set until the legislation was passed. He stated that he found it difficult to believe that I would wish to have the fight against organised crime abandoned, but said that if that was the decision of Government so be it.

Such was my concern over these remarks from Mr Costigan that I immediately instructed officials to meet with Mr Costigan as soon as possible to discuss his concerns with him, and proposed that Ministerial discussions also be held if necessary. A few days later Senator Evans also met with Mr Costigan.

Mr Costigan wrote to me on 24 November expressing 'a degree of optimism' that the handover to the Authority would work. In the same letter he sought a twelve months extension of his Royal Commission. I replied by proposing a six months extension, with a report to be provided in April, but anticipating a further extension if this was necessary to ensure that the transition to the National Crime Authority proceeded smoothly. Mr Costigan replied in February 1984, saying that he was unable to provide a report by April.

Following further representations from Mr Costigan and discussion between him and the Special Minister of State, it was agreed to extend his Commission to 30 September 1984. Mr Costigan expressed his satisfaction with these arrangements and the press statement issued at the conclusion of the meeting was agreed by both parties.

I have gone through these exchanges with Mr Costigan in some detail to show that the Government made every effort to meet Mr Costigan's concern about the duration of his Commission consistent with its overall belief that the Royal Commission model does not provide a suitable long-term body for fighting organised crime.

The Government has remained committed to the establishment of a National Crime Authority able to take over, on a continuing basis, those of the Costigan Royal Commission's investigations which bear upon organised crime more generally than just in connection with the Painters and Dockers Union.

Through the period of this Government, it has taken Mr Costigan's comments very seriously. It has sought to be helpful and to offer support to him. Indeed in his correspondence, Mr Costigan acknowledged the support I and other Ministers have given him.

I would like to acknowledge again the Government's appreciation of the valuable work which Mr Costigan and his Commission have performed. It is now of vital importance that the task of fighting organised crime in this country be carried forward by the Crime Authority.

It is obvious from the correspondence that the Government and Mr Costigan had differing views about the timetable which should apply to the winding up of the Royal Commission. But I warn the Opposition that it would be unwise to seek to make any capital out of that lest their hypocrisy be exposed again.

I refer the House to page 4 of Mr Costigan's letter to me of 2 November 1983.

'I have repeatedly requested over the past 18 months some finality on the future of the Commission, and have asked for it in adequate time to allow me to do my job properly. Neither Government has ever attended to that task with sufficient appreciation of the lead time required and this is no exception.'

Mr Speaker, this Government is confident that its record of combatting organised crime will withstand any scrutiny. The documents tabled today demonstrate that we have given Mr Costigan total encouragement and support.

My letter of 26 October 1983 to Mr Costigan stated that 'I personally and the Government collectively support strongly the work of your Commission and the way in which you have been conducting your Commission.'

Mr Costigan referred to this interest and support in his letter of 2 November 1983:

'When I saw you in April this year you indicated your wish, with which I concurred, that the Commission should concentrate on painter and docker activity, with particular reference to drugs. That is the course I have followed.'

These sentiments give the lie to the Opposition's contention that we have sought to thwart Mr Costigan's activities, and have attempted to frustrate the fight against organised crime.

Again, let us look at Mr Costigan's own words. In his letter to me of 5 March this year, Mr Costigan wrote:

'I am anxious both that the new Crime Authority commence operation as soon as possible and that I hand over to it in an efficient manner the investigations I am now conducting. Your Government's determination to establish the body is welcome to me and in the public interest. My concern is that there may be a lack of continuity in the investigations.'

In a letter of 27 February 1984, I had already assured the Commissioner that, in the context of the transition, the Government would 'co-operate fully in ensuring the continuation of those inquiries.'

Mr Speaker, let us compare that concern with the cavalier attitude of our predecessors. How did they demonstrate concern for continuity of investigation? How did they seek to avoid any thwarting of Mr Costigan's inquiries?

Let me quote from Mr Costigan's letter of 24 November 1983:

'the uncertainty surrounding the life of the Commission has made forward planning very difficult; by way of example last year my term, which was due to expire on 31 December, was not extended until 25 December. Such uncertainty is very disruptive to the work of the Commission and harmful to the morale of staff.'

Mr Speaker, that cavalier approach compares starkly with our constant encouragement and support of Mr Costigan and our continuing consultation with him.

Mr Speaker, last Thursday I met with the Chairman, Mr Justice Stewart, and the other members of the National Crime Authority. We discussed matters relating to the transition, the winding up of the Costigan Commission and the considerable amount of work which the members of the Authority have already carried out as they commence their task of fighting organised crime.

I asked Mr Justice Stewart, one of this country's most experienced and knowledgeable fighters of organised crime, whether there was anything further the Government could do to assist the National Crime Authority carry out its responsibilities. He replied that there was not.

I asked him whether he was confident that the National Crime Authority would be an effective body in fighting organised crime. He replied that he was.

I suggest that if the Opposition is really interested in the fight against organised crime it should cease its futile and deceitful attempt to score political points over this issue. The Opposition should get behind Mr Justice Stewart, the Hon. Max Bingham, QC, a former Liberal Attorney-General of Tasmania, and Mr John Dwyer, QC - the latter two members chosen on the unanimous agreement of the eight participating governments - and support them and the Authority as a whole in the challenging and important work of fighting organised crime.
