



PRIME MINISTER

TRANSCRIPT - PRESS CONFERENCE - 1 NOVEMBER 1984

E. & O.E. - PROOF ONLY

PM: Well ladies and gentlemen you've had the opportunity of reading the Government's response to the final report of Commissioner Costigan. I simply want at the outset to refer to that aspect of the statement which draws attention to the position of the Leader of the Opposition and I'm certain that the people of Australia will contrast the wild and totally baseless allegations that were made inside and outside the Parliament by the Leader of the Opposition attacking me and the Government, suggesting that there was going to be all sorts of bombshells for the Government in the Costigan Report. The Report itself and the statements of Commissioner Costigan expose those allegations for the baseless things that they were and, as I say, further evidence that the Leader of the Opposition is not fit to the office to which he aspires. I'm open to your questions.

JOURNALIST: Prime Minister, what do you think is the major achievement of Mr Costigan?

PM: Well I don't think there is one. If you'll excuse me I'll just go to a few aspects of it. I think Mr Costigan is certainly to be remembered for his exposure of the tax avoidance industry - the dimension of it. That commenced with his interim report of December 1981 and as a result of that dramatic exposure I think the community has become aware of the fact that for a considerable period of time they have been mulct by a wealthy minority who have been protected by the conservatives in government and continue to be protected by them in Opposition. And that is a matter of continuing substance and will always stand to the credit of Commissioner Costigan. He has also brought new techniques to the processes of investigation and it was for that reason that in our first Budget we were prepared, happy to, double the resources available to him and all those resources have been transferred over to the National Crime Authority. So that that means as a result of the new investigative techniques that he developed that the permanent authority, the National Crime Authority, will be as well equipped as I think it possibly can be. Thirdly, he has I think exposed the dimensions of organised crime in this country. He has I think done this signal service, there has been a tendency

PM: cont... In the past to think of the criminal elements of society as some shadowy and publicly disreputable figures. What Commissioner Costigan has done is to show that the services of a wide range of professional people - accountants and lawyers and directors and so on - have been and continuously have been utilised in the processes of crime. So without being exhaustive I would think that those sorts of things are major contributions.

JOURNALIST: Mr Hawke have you got a view at all on some of the things Mr Costigan said about Mr Packer taking away files, being associated with a person who initially looked like a suicide attempt and was murder and there should be another murder examination.

PM: Well let me make two or three general observations and then a particular observation in regard to the last point. I think you will appreciate that it's made perfectly clear in the detailed statement that you've had the opportunity of studying that he says - you will recall this in the public section of volume 1 where at the last chapter he goes to his recommendations, including the recommendations in regard to the non-published chapters - page 274 of volume 1 dealing with volume 9, unpublished, of Activities of Ray Packer - he says I recommend that matters described in chapters 2 to 5 be referred to the Director of Public Prosecutions. Now that, of course, has been done. The Director of Public Prosecutions under the statute has received all the reports, published and the unpublished. And I make this point in regard to your question - the very reasons for the establishment of the office of Director of Public Prosecutions is to have an office independent of Government to assess material and make recommendations as to what should happen. And I believe therefore it is totally inappropriate for me or for anyone else for that matter to intrude into this area of what we have ensured, as we should do, is that all the material goes to the relevant authorities - the Director of Public Prosecutions and the National Crime Authority. And they will make the decisions which they regard as appropriate in regard to their full assessment of the material. And what I've said in the report on behalf of the Government, the response on behalf of the Government, is that it's appropriate that all matters mentioned by Commissioner Costigan should be considered by the appropriate authorities and that they should take the action that's necessary. I go to the further point which I think you'll understand is appropriate in answer to your question - that we have the view that the existing authorities and institutions are fully equipped to proceed with appropriate action in regard to all recommendations of Commissioner Costigan. I have said in the report that in regard to any substantive decisions we are in the caretaker period and we will not make decisions against the principles of the period of caretaker Government, which I would remind you we as a Cabinet acknowledged on 11 October. But I have said beyond that that if the Director of Public Prosecutions or the National Crime Authority should come to the conclusion that there is some immediate decisions that the public interest required of the

Government now, we will of course respond to such requests from them. Now I just want to make the final point. You referred to the observations in regard to murder as it's suggested by Commissioner Costigan. I think fairness demands the observation that there is nothing there on the record which involves an assertion by Commissioner Costigan that Mr Packer is guilty in that respect. I think fairness demands that observation.

JOURNALIST: Mr Hawke you've criticised in your statement the use of some names by Commissioner Costigan. Does that criticism include the use of the Packer name publicly or do you think that that was inevitable after Packer's own statement.

PM: Well I was stating a principle and I hope on behalf of the Government stating it quite unequivocally. And clearly that statement of principle embraces Mr Packer. It wasn't concerned with Mr Packer alone. But I think you'll remember the language of the statement, I think at page 12, where I referred to the circumstances surrounding the report, excuse me on page 13, where I said "in the circumstances surrounding this Report", therefore I went on to say on behalf of the Government that I thought the principles that we were putting were not capable in these circumstances of being adhered to. But the general statement of principle that I put there obviously includes the person to whom you refer.

JOURNALIST: Prime Minister, Mr Costigan's top secret memoranda of relevant criminal activity which he says contained the various answers - it leaked to the National Times to the obvious detriment of Mr Packer. How can the public be satisfied that Mr Costigan isn't satisfied that references to the National Crime Authority with a much wider distribution will not appear in the newspapers.

PM: Well that's a fair question. I can only say in response to it Peter that the statement itself here refers to the care which was taken by the Special Minister of State in the reference, I think it's 19 October is it?

JOURNALIST: Yes.

PM: And we can only take every precaution that we can as a Government. I'm certain that the National Crime Authority and its membership will itself attempt to exercise every care and I would expect that all state Governments would do the same thing. You're in an area, Peter, here where there's a question of human frailties and I would be deluding everyone if I said that where you are dealing with those sorts of things that a guarantee can be given. I merely express the fervent wish on behalf of the Government, the Federal Government, that everyone involved will attempt to exercise all the requirements that go with the need for confidentiality because I believe that there is an acceptance in the community of the requirement to protect two basic considerations. One, the public interest in ensuring that

PM: cont... investigations with a view to possible prosecutions of criminal activities are not prejudiced and at the same time, the requirements of the civil liberties of individuals concerned. Now if we as a community attach significance to those two criteria, as I believe we should, then there is an obligation on people to exercise extreme care and I hope they will.

JOURNALIST: Will you be avoiding contact with Mr Packer?

PM: Well I haven't addressed my mind to the question of avoiding or not. I don't know whether I have in my program in the weeks ahead any engagements which involve Mr Packer or not. I honestly don't know whether I have. I am not reviewing my program. I will not be reviewing my program. I believe that every individual in this society is entitled to the proper processes of the law. That applies to Mr Packer as well as to anyone else.

JOURNALIST: Just on that point Mr Hawke. Could you say whether after you received the March 5 letter from Mr Costigan mentioning Mr Packer whether you formed any particular attitude about Mr Packer and whether that ... in any way the contacts you've had with him subsequent to March 5?

PM: No, I think the answer to that question, Mike, is contained in the previous answer that I gave. At all points, as Mr Costigan has made crystal clear both in his report and in his subsequent statements, the Government has acted with complete propriety in regard to how the affairs of the Commission should operate and that comment of his applies to the Government as a whole and to myself personally. And I'm not in the business, I never have been, of making judgements about people until all the appropriate processes have been exhausted. That's always been the practice and I don't intend to change now.

JOURNALIST: Mr Hawke, if you are re-elected and if these matters haven't been resolved, what action would the Government take when Mr Packer's licence hearings come up next March and April?

PM: You're obviously not a regular on this circuit. I don't answer hypothetical questions.

JOURNALIST: Mr Hawke, was there anything in the Report which you found shocking as to either the activities of individuals or the extent of organised crime?

PM: Yes, there is a considerable amount in all the Reports that are shocking to anyone, yes.

JOURNALIST: Prime Minister, could the community feel justifiably disappointed if as a result of Mr Costigan's investigations and the on-going investigations of the National Crime Authority, we don't see some very big trials of some very big criminals in Australia, within a nominal time?

PM: Let me make two points, and I think they are relevant in answer to that. As Mr Costigan himself says there have been many prosecutions and successful prosecutions that have taken place since the inception of his Commission. And you will recall he goes out of his way to make it clear that he hasn't sought continuously to claim credit or connection with those. Nevertheless, much has happened in the area of effective prosecution of criminal activity as a result of the actions of the Costigan Commission since its inception. So I make that point simply to say we are not waiting for something to happen on the basis of nothing has happened already. There is a continuum, if you like. The second point I would make is this. I believe that in fact there will be a continuation. You will appreciate that the reasons for the deletion of certain passages from the reports that have been published have been clearly on the basis of advice to us from Federal and State authorities that the publication of those names would in fact in some cases prejudice existing or pending trials. So we have got what has happened which Mr Costigan refers to, what is pending now, and I believe, yes, as the National Crime Authority and other relevant authorities pick up now the work of Commissioner Costigan there will be further trials and I think they could go to substantial matters.

JOURNALIST: Mr Big?

PM: Well you could not have heard what Commissioner Costigan has been at pains, and I think also Mr Meagher has been at pains, to say that there is no single Mr Big. I think they have said that on many occasions. Rather there are congeries of, perhaps we might say Mr Larges. We may be seeing a number of the Mr Larges and as we are a non-discriminatory society, Ms Larges perhaps too.

JOURNALIST: Prime Minister, you said that the Government was reluctant to take in the interregnum period, that was the Costigan recommendations. But in fact you did make a decision in relation to the concerning the references to the National Crime Authority. Why did the Government consider it necessary to take that decision now in light of the

PM: Well, there is a cut-off point on this question of the operation of the caretaker period, Milton. I drew the attention of Cabinet to the conventions of the caretaker period on 11 October. It didn't start to operate until 26 October when the House was dissolved. From that period on the caretaker conventions operated.

JOURNALIST: Prime Minister, can I ask you on the eve of the Melbourne Cup what your ...

PM: I haven't got a tip.

JOURNALIST: No, I was just going to ask you what your thoughts are at this moment on Mr Costigan's recommendation for a crack-down on SP bookmakers.

PM: Well, I don't quite see the connection. The propensity of Australians to gamble is not simply related to the first Tuesday in November. The recommendations of Mr Costigan in that area will, I believe, be addressed by all relevant governments and I notice in the statement of my colleague, John Cain, that he indicates the responses that have already been taken. I think on recollection there is reference to fines of some \$800,000 which have been paid over recent periods. So action has clearly been taken there and to the extent that this comes into the area of Commonwealth jurisdiction which is relatively less, it is more a State matter, then we will receive the recommendations of our relevant advisory authorities and do what is necessary to assist.

JOURNALIST: Prime Minister, what is your attitude towards Mr Costigan's recommendations and the attack on the financial structure and structures of criminal organisations involved in that public disclosure also of the criminals?

PM: If I understand your question correctly, the effect of Mr Costigan's work in regard to the financial structure is that he has exposed the capacity of criminal elements to use the financial system - not just the formal banking system, but other elements of it - to advance their various activities and so what is necessary is that the governments of Australia consider very carefully those parts of the recommendations of Commissioner Costigan's Report which are directed towards trying to tighten up in that area. And I can say as far as my Government is concerned that we will be taking a very positive approach to that area of his recommendations, as we will to all others.

JOURNALIST: Prime Minister, Mr Costigan said the transition failed and indeed that is what the Opposition Leader has said both inside and outside the House. What is your view on that?

PM: Well I think it is necessary, Ian, to look at the totality of Mr Costigan's statements, both in the report and what he has said since. Mr Costigan had firm views which - I think his language is that he has robustly put to successive governments - in which he expressed his idea both as to the nature of the National Crime Authority and transition and I think the position that he has put is that there is room for legitimate differences on these two matters. But if you look at what Commissioner Costigan is saying in his Report and his observations in the last few days, he is making it quite clear that he believes that the National Crime Authority is now placed to go ahead and pick up his work and he obviously wishes it well. I am not going to expose the confidentiality of the discussions that I have had with Commissioner Costigan this week, but I can say that the observations I have just made which are based on his public statements were fully reflected in the conversations I have had with him.

JOURNALIST: Prime Minister, what is the Government's view on the Costigan recommendation for a new Royal Commission to investigate a particular matter?

PM: No, I've simply got to say to that what I have said in my statement that we will have consultation with all the authorities within our direct domain and that is, let me list them. There is the Director of Public Prosecutions, the Australian Federal Police and the National Crime Authority as well as the Attorney-General's Department. And we will be considering their advice to us on all these issues, including the one that you put and it is appropriate, of course, that I remind you of what I have said about the conventions. That that will be a matter for our incoming government and we will make the decision in the light of the recommendations put to us.

JOURNALIST: Mr Hawke, how does the Government go around about preventing a repeat of what you obviously consider the excesses of this Costigan Royal Commission in relation to civil liberties questions?

PM: Well, I think, to be fair to Commissioner Costigan, you have got to see what I have said. I have talked about the circumstances surrounding the Report, the fact that sections of Mr Commissioner Costigan's work went into the public domain of itself created an area of problem and so the observations that I have made in regard to the principles of non-publication have been set out clearly, I think, in this Report. The important point to make, Greg, as to the present and the future is as I have pointed out in the response - that the provisions of the statute under which the National Crime Authority operates will mean that that can't happen.

JOURNALIST: Mr Hawke, what would the Government's reaction be to Mr Costigan's recommendation for legislation to produce criminal sanctions

PM: I must give you the same answer as I just gave here.

JOURNALIST: For the extortion in the trade union area?

PM: I must give you the same answer. It's not a question of anything other than making it clear that we must abide by the conventions that apply in a caretaker government period now. We will ensure, it has happened, the total reports have gone to the relevant authorities. In that case, as well as the ones I have mentioned there would be recommendations to us from the Department of Employment and Industrial Relations. They would obviously have an input in that area. Now, we will, when re-elected, we will consider all the advice to us from those relevant authorities and departments and then as the authorised government, make the decisions which are necessary to be made. Now that is the convention situation under which this government in this period must operate. And the answer to you is exactly therefore the same as the one I gave to the question before last.

JOURNALIST: Bearing that in mind, Prime Minister, aren't you suggesting at the same time that the Government doesn't believe that there is a necessity to establish the extra investigative framework that Costigan recommends?

PM: I am not saying that. I mean, I don't know how many times I have to say it, but I will put it again, Paul. There is a whole series of recommendations that have been made by Commissioner Costigan. All of those recommendations warrant and will receive full consideration by my Government on the basis of the advice that we receive from the range of relevant authorities. We are at this period in a caretaker position and we can't make decisions. And indeed, let me make it clear, if we started to make decisions against the conventions that have operated for previous governments, we would be immediately attacked by the Opposition and they would be entitled to. But the important point that is made clear, and I am indebted to Commissioner Costigan for the unequivocal clarity with which he puts the point. He acknowledges the total commitment of myself and my Government to the fight against organised crime in all its manifestations. I don't have to put that case. I have put it. It was right. It has been confirmed by the Commissioner. What is necessary now is that we act with propriety at this time. We will. And I give the people of Australia the unqualified assurance that every single recommendation of Commissioner Costigan will be closely examined and on the basis of the advice that we receive as to the wisdom of proceeding with those recommendations to achieve the objectives that we all share, then that will be done.

JOURNALIST: Prime Minister, for the pictorial record, could I just get you to react to the news of the death of Indira Gandhi?

PM: Yes, I have now sent two messages which I am glad to take this opportunity of again repeating the substance of those two messages. The first was to the Governor General of India, and then today to the new Prime Minister, the son of Indira Gandhi. Those messages have been in these terms - that on behalf of the Australian people I have expressed the horror of Australians at this monstrous and wanton act of terrorism which has claimed the life of a person who was not only an outstanding leader of her country, the world's largest democracy, but also a woman who loomed extraordinarily large in world affairs. My predecessors, Mr Whitlam and Mr Fraser and I have had the opportunity, particularly in the context of the Commonwealth to work closely with Mrs Gandhi and we have been able to understand the enormous impact that she has had upon the affairs of her own country and the influence that she has had elsewhere. And on behalf of the people of Australia I extend directly to the members of her family and broadly to the people of India the profound sympathy of the people of Australia.
