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**TRANSCRIPT OF THE PRIME MINISTER
THE HON JOHN HOWARD, MP
INTERVIEW WITH PRU GOWARD - RADIO NATIONAL**

E&OE.....

GOWARD:

Prime Minister, welcome. Can I begin with Senator Mal Colston - he continues to hang on despite the barrage of criticism from Labor. But how long do you think before the Government really can't afford him?

PRIME MINISTER:

We're not going to be bulldozed by vitriolic hatred and abuse. I mean, this has not got anything to do with ethics, it's got nothing to do with parliamentary morality. It is just a vicious Labor Party pay back to somebody who deserted them. Now I understand they're angry but that outburst by Robert Ray yesterday said it all to the Australian public. I mean, this is about a Labor Party pay back, hell hath no fury like the Labor Party rejected, and frankly as far as we're concerned we will let the law run its course. If Colston has done anything wrong then the law should apply to him as it would to you or me. But we're not going to be bulldozed by the Labor Party picking up every bit of scuttlebutt around this building under parliamentary privilege, hurling it at him. We'll allow the law to run its course. We're not going to protect Mal Colston, we're certainly not going to do that, but we're not going to be swept along in this river of bile and vitriol which is all borne out of the fact that he left the Labor Party and on a number of crucial votes voted with us rather than with the Labor Party. Now that's why the Labor Party's upset. I mean, it's got nothing to do with their concern about his propriety. If they were all concerned about certain things, many of which are alleged to have occurred while they were in government, why didn't they get indignant then? And what I find fascinating is Kim Beazley's uneasy role in this. I mean, he might ask me a question today because I've actually, I'm raising the matter, but I get the very distinct impression that this whole thing is being run by Ray and Kim Carr, sort of, whether Kim Beazley likes it or not.

GOWARD:

Yes, but should a party Senator resign from a party but remain in the Parliament almost under false pretences?

PRIME MINISTER:

Well there are precedents all over the place. Don Chipp resigned from the Liberal Party in 1977 and remained until the election...

GOWARD:

Well that's the Liberal side.

PRIME MINISTER:

Well of course. And I don't remember people engaging in parliamentary outbursts against him of the type that Robert Ray engaged in. I mean, he after all formed a party that secured the balance of power in the Senate. So in long term that probably had more consequence, far more consequence for us than Colston's behaviour has for the Labor Party.

GOWARD:

But of all these things that have been alleged, some of them as you say will be provable or not provable by law, but aren't you nonetheless concerned that it casts a shadow not just on one Senator but on the standing of all parliamentarians?

PRIME MINISTER:

I mean, there's nothing I can do about that all I can say is...

GOWARD:

Except that they were attached to it...

PRIME MINISTER:

No, no - hang on. I can say it is my belief that the overwhelming majority of Senators and Members on both sides of the House, I repeat on both sides of the House, are completely scrupulous and honest regarding these things. I really do believe that. Most men and women who come in to parliament are there to do a job according to their belief systems and, of course when some like this happens, but life's always been like that. When something goes wrong with a small number of people in a larger group it always has the potential to reflect on the larger group. There's nothing that the larger group can do about that except have a procedure for things being investigated and we are doing that. But I repeat, I'm not going to give a running commentary on every bit of corridor gossip which under parliamentary privilege without any kind of substantiation, I mean, did Senator Ray say "so and so told me

that you were on such and such a flight, did this did that" - there's none of that. And if the man has done anything wrong well he should be found out and he should pay the penalty for it but equally he shouldn't be hounded in what is nothing more than a backyard pay back of the most vicious, open and vitriolic kind.

GOWARD:

All right, but do you want greater scrutiny? Do you feel the public now feels the need for greater scrutiny of travel allowances and how the honour system works?

PRIME MINISTER:

I think the best thing to do is to allow the processes that are in place now to apply in relation to the allegations against, the allegations that are being made against particular people. The question of whether some further, some broad change to the rules down the track is something that should be considered away from the spotlight of these allegations. But the danger of doing otherwise is the people say "oh there must be something wrong, they must all be doing it".

GOWARD:

It doesn't matter what they think, the electorate is supposed to be...

PRIME MINISTER:

Well I think it does, it matters a lot what people think and that's the whole trust.... and what I would say to the Australian public is that I believe that the overwhelming bulk of people are very scrupulous and completely honest. If you have complaints against somebody make the complaint to the Minister, to the Federal police, let it be investigated. We won't interfere we won't stop it, but we're not going to give, sort of, aid and comfort to every bit of scuttlebutt around the corridors.

GOWARD:

Now, Prime Minister, on another issue your Deputy PM, Tim Fischer, has reportedly told *The Age* he wants to see a, quote, 'a capital C Conservative' head the High Court when Justice Brennan retires next year. Now should the country's paramount legal figure really be above that description, be above prejudice if you like?

PRIME MINISTER:

Well I think a lot of people have, including judges and retired judges themselves, talked a lot more openly about how they might be described in their role as judges. There was a time you would never have had Sir Owen Dickson, for example, talking about whether he was a black letter lawyer or whether he should pursue a more or less activist role. But I think it does have to be said in fairness to people like Tim Fischer that some of the judges themselves have talked more openly, I'm not criticising them for this incidentally, but there are some - I mean, there is one High Court judge in

particular who is renowned for making speeches over the years about all manner of things. Now once again...

GOWARD:

Justice Kirby?

PRIME MINISTER:

Yes. Now I'm not, I won't express a view at this stage as to whether that is a good or bad thing, but once you sort of open the door and once you accept that people on the bench or people recently retired from the bench can talk more openly and in general terms about their role and categorise themselves and talk about the evolving nature of the High Court it is inevitable that as part of that expanded debate politicians are going to do the same thing. Now for my part I'm not going to speculate about Sir Gerard Brennan's replacement. Under the provisions of the constitution he has to retire when he reaches the age of 70. I won't be making any comment at all to anybody about his replacement, who that person may be. All I can say is that the processes of consultation will go on. We will consult the States, but at the end of the day it is our decision, it is a very important decision and it will be made conscientiously. But you won't get any comments from me.

GOWARD:

When your Deputy Prime Minister though criticises the High Court for the slowness of its decision on Wik, then finds out and accepts the explanations of the Chief Justice in a private letter but fails then to correct the public record, is the public entitled to think that you are putting as a Government, or certainly the Deputy Prime Minister, is putting pressure on the High Court?

PRIME MINISTER:

No.

GOWARD:

Well, why didn't he correct the record? ... (inaudible)...

PRIME MINISTER:

Well it was self-evident what had happened - self-evident.

GOWARD:

Was it?

PRIME MINISTER:

Yes. Quite self-evident.

GOWARD:

He got the letter on the third of January.

PRIME MINISTER:

He released it as I understand it, he released it.

GOWARD:

Yes....

PRIME MINISTER:

Well, I mean, if you release the letter... the correspondence covers it all. I didn't think there was any need for any further comment.

GOWARD:

But it wasn't released until this month.

PRIME MINISTER:

Well, because a freedom of information request was made - which puzzled me anyway.

GOWARD:

So you don't think the public should have any concern over your wish to put pressure on the High Court?

PRIME MINISTER:

Look, I don't regard anything that Tim Fischer did as putting pressure on the High Court, no. The point I should make about that is that Sir Gerard Brennan in his reply emphasised the fact that there is absolutely no constraint on people debating and criticising decisions of the court. This is something that is often misunderstood. People regard the criticism of a judgment as being in some way improper. It never has been and it never ought to be. The only thing that oughtn't to happen is that the integrity of the bench should not be attacked and their application to work not attacked. Now, they are the two things.

GOWARD:

Can I look at Papua New Guinea, Prime Minister? How serious do you believe the situation is there now when your foreign minister has cancelled a trip to stay home and monitor the situation?

PRIME MINISTER:

Well, it is a serious situation. It was a serious situation last week when I first spoke about it and it remains a source of very great concern to me.

GOWARD:

What do you think might happen....?

PRIME MINISTER:

Well, Pru, a number of things could happen. I hope the mercenaries are not deployed on Bougainville and we are bending all of our own efforts and we are encouraging others to bend their efforts to stop that occurring, and I don't want anybody to be in any doubt that we have put that view very strongly to the PNG Government. But it is an independent country with all the sensitivity of a former colony, if I can put it that way, towards a former colonial power. And it is always going to be a relationship that has to be handled with that care and sensitivity that the relationship borne out of that former association always produces.

GOWARD:

Legal Aid, Prime Minister. It is a national day of protest today. Are you at all concerned that the nub of the claim which is that essentially people might be able to walk free should be in jail because they haven't been given a proper defence?

PRIME MINISTER:

Well, the nub of claim is, the nub of the issue is really whether what we have done is fair and reasonable. What we have said is that the Commonwealth will fund matters under Commonwealth law and the States ought to fund matters under State law. Over the years there is plenty of evidence, and I gave some of it in the House yesterday, of where money we have put in the past has been diverted to fund State matters, so you'd have to apply that principle to each case. Now, the one that's received publicity, the Mantiri case, that is fully covered by current Commonwealth funding until the 30th of June because the new arrangement doesn't come in operation until the end of this financial year.

GOWARD:

But clearly a Mantiri case could arise in the next financial year.

PRIME MINISTER:

Yes but if a case like that arises, it is just not good enough for the States to say "well, it's your responsibility", you've got to look at under whose law the person is being prosecuted and whether the funds are available.

GOWARD:

Prime Minister, you are tough on States aren't you? I mean, that's a \$120 million you are taking out....

PRIME MINISTER:

What do you mean, I'm tough on the States?

GOWARD:

You are taking \$120 million out of their budgets...

PRIME MINISTER:

Yes but over the years, over a period of years, not annually. I mean, this business of automatically multiplying everything by four but forgetting to tell the public... I'm not criticising... because it's become a bad habit here. You multiply by three or four, you use the global amount and everybody thinks that's an annual amount. It's not an annual amount, it's less than that.

GOWARD:

Do you accept though that the States are doing it tough at the moment? I mean you've got Jeff Kennett now raising the possibility that they just can't wear another big budget cut this year from you, and that he wants to hear...

PRIME MINISTER:

Well, we haven't said anything about what approach we are going to take at the coming Premiers' Conference. I recognise that the States made a contribution last year. Do I think they are doing it tough? I think all governments have got to live within their means. We are doing it tough. We inherited the \$10 billion deficit. That's tougher than any of the States are doing it. I mean, we've got to do something about it, because we ultimately provide the safety net in this country. We look after people as far as unemployment benefits and pensions are concerned. We have a very big underlying deficit, we cut a lot out of it last year and we've got to cut more out of it this year. Nobody should run away with the idea that the Commonwealth is a bottomless pit. I mean it is not. And at the end of the day we are the people who raise the taxes. When people think of taxation in this country they think federal, they don't think State, and the sensitivity of the Australian public towards taxation and funds - raising is something that's directed towards the Federal Government.

GOWARD:

And so you feel the issue of legal assistance and getting a fair trial is not your responsibility?

PRIME MINISTER:

It is our responsibility for matters under Commonwealth law and we think it's the responsibility of the States for matters under State law. I mean, the States are always saying that there should be a clearer delineation of authority and you shouldn't confuse roles, they're always very keen to defend their own independence in certain areas and I understand and respect that. So let's apply the principle. I mean we will fund matters under Commonwealth law, let the States fund matters under State law. It's a fair principle isn't it?

GOWARD:

Prime Minister, to mark your first anniversary you made several strong criticisms of gambling. Is this a personal issue for you or do you actually believe the Commonwealth Government ultimately might be moved to do something about it legislatively?

PRIME MINISTER:

Well, I'm not contemplating any legislation. I would think that's unthinkable. Look, it is not for a government to tell people that they can't gamble or whatever, any more than for a government to say to people you can't have a drink. I mean, Heavens above, we're not wowers.

GOWARD:

Well, it is tough on the States again isn't it?

PRIME MINISTER:

It's not a question of being tough on the States, I mean, Heavens above, there is clear evidence that some people who can't afford to gamble are doing so and they are paying a very heavy price and so are their families and so are small businesses. Now, I expressed a concern that gambling may have reached saturation point in this country. I don't regret saying that, I don't resile from it one iota. I believe it. You say is it a strong personal view of mine, well, it is, but not fanatically so. I don't have any sort of personal problem with gambling. I don't gamble much myself.

GOWARD:

Have you ever placed a bet?

PRIME MINISTER:

Once...about twice in my life. Yes, I'm not a gambling man, no. But I don't care about... it doesn't sort of trouble me in a social sense. I get a bit troubled if people do it to excess because I feel sorry for the price that they pay and it is a very heavy price. Now, that's why I raised the matter, and there is a lot of community concern about it.

Don't anybody underestimate the level of community concern about this. Now, it is not an attack on the States.

GOWARD:

But from their point of view Prime Minister, it is a voluntary tax, you don't have to gamble, and they find it hard to ...

PRIME MINISTER:

Well, I suppose that's the equivalent of saying, I mean, it is no more voluntary than any other tax, Pru. It's like the equivalent of saying you don't have to buy something on which sales tax is levied. I mean, look of course people don't have to gamble. What I am concerned about is that a small section of the population, to use your expression a few moments ago, is really doing it very hard and I wouldn't want to see any further expansion of gambling facilities in this country, but any suggestion that we would legislate, no of course we are not going to legislate, but can't a Prime Minister or a Premier or a senior political figure from time to time express a view about something which isn't on the balance sheet, hasn't got to do with the budget, hasn't got to do with micro-economic reform, or taxation or economics....

GOWARD:

I'm not... certainly it has been welcomed by the...

PRIME MINISTER:

I mean it is the totality of one's view towards society that surely counts in this job.

GOWARD:

Prime Minister, thanks for your time this morning.