

IN-CONFIDENCE

Parliamentary Commission of Inquiry
G.P.O. Box 5218,
Sydney, N.S.W. 2001.

FILE No.

C1

ARCHIVAL ACTION

FORMER PAPERS

LATER PAPERS

TITLE

TITLE DOCUMENT REQUESTS AND RESPONSES

Related Papers

[illegible]

FILE NO.

AFP

Immig'n + Ethnic Affairs

Home Customs Service

Industry Tech + Commerce

McKinnon

(Robinson)

(Kelly)

(Charles)

062 642 860

(Hays?)

Wed 20/8/86

McKinnon

- Will ~~send~~ sit a file send ^{all} correspondence + file copy of correspondence back forth

Dr Charles

Jeff
Mr Steel - vice Kelly, ~~former~~ Deputy Comptroller Gen of Customs
724 346

Dr Charles Industry Tech + Commerce - will
look over + send back of our file

Pat Brazil is across all this

Peter Walsh DPP



UNCLASSIFIED COVERING CONFIDENTIAL

Telegrams 'IMMIGRATION' Canberra
Telephone 64 1111
Telex 62037
P.O. Box 25
Belconnen, A.C.T. 2616

**Department of Immigration
and Ethnic Affairs**

Benjamin Offices
Chan St
Belconnen, A.C.T. 2617

Our Ref: LEG/AM:JH

Your Ref:


Mr D Smeaton
Electoral Grants and Authorities Branch
Department of the Special
Minister of State
West Block
CANBERRA ACT 2600

Dear Mr Smeaton

Further to our telephone conversation this morning I enclose a letter from the Acting Secretary of this Department to Mr Thomson, Secretary of the Parliamentary Commission of Inquiry. The letter attaches items of substantive correspondence received by this Department from the Commission.

I ask you to take such steps as are necessary to ensure that the papers are placed in safe-keeping along with the papers of the Commission.

Yours sincerely


A.E.F.METCALFE
for Secretary

16 September 1986



COMMONWEALTH OF AUSTRALIA
DEPARTMENT OF IMMIGRATION AND ETHNIC AFFAIRS

OFFICE OF THE SECRETARY
CANBERRA, A.C.T.

267/247
LEG/AM:CR

Mr G.F. Thomson
Secretary
Parliamentary Commission of Inquiry
G.P.O. Box 5218
SYDNEY NSW 2001

Dear Mr Thomson

In view of the winding up of the Parliamentary Commission of Inquiry I attach items of substantive correspondence received by this Department from the Commission. The papers are returned for safekeeping along with the papers of the Commission.

Yours sincerely

A solid black rectangular box used to redact the signature of the Acting Secretary.

A.C. HARRIS
ACTING SECRETARY

11 - 09 - 86

Attached are folios 60,64 and 65 extracted from DIEA
file EL 8075 and folio 8 from DIEA file 86/95326

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

STRICTLY PRIVATE AND CONFIDENTIAL

24/7/86
by Kelly

Mr W A McKinnon, CBE
Secretary
Department of Immigration and Ethnic Affairs
Benjamin Offices
Chan Street
BELCONNEN ACT 2617

*To this the
letter we were
looking for.*

Dear Mr McKinnon

PARLIAMENTARY COMMISSION OF INQUIRY

24/7/86

As you may be aware the Parliamentary Commission of Inquiry has commenced its task of inquiring into and advising the Parliament whether any conduct of the Honourable Lionel Keith Murphy has been such as to amount, in its opinion, to proved misbehaviour within the meaning of section 72 of the Constitution.

In the course of its inquiry, the Commission is seeking to establish the extent and nature of a relationship apparently existing between the Judge and Morgan John Ryan.

n In this regard, the Commission would be considerably assisted by knowing whether Ryan or Sala were in contact with or made any approaches to the Judge in his capacity as Attorney-General or Minister for Customs and Excise; and whether, as Attorney-General or Minister for Customs and Excise, or otherwise, the Judge intervened on behalf of Ryan or Ramon Sala - or any other person - in relation to immigration matters. As well, the Commission is seeking to establish whether Ryan or Abraham Gilbert Saffron have been involved in matters concerning immigrants from Korea or the Phillipines who have entered or sought to enter Australia unlawfully.

It occurs to the Commission that there may be information within your Department (in documentary form or otherwise) that may shed light on these matters. It would be appreciated if you would arrange for some inquiries to be made within your Department with a view to identifying any such information. If

The Robertson

For a draft response, taking into account the matters already in hand.

21/7

any material touching on these matters is available, the opportunity of examining it would be appreciated, as would be the opportunity of interviewing any appropriate officers.

I should mention that the request for information in this letter is not made pursuant to any specific section of the Commission's statute.

Yours sincerely



J F Thomson
Secretary

13 June 1986



Parliamentary Commission of Inquiry

Presiding Member : The Hon. Sir George Lush
Members : The Hon. Sir Richard Blackburn, OBE
The Hon. Andrew Wells, QC

G.P.O. Box 5218
Sydney, N.S.W. 2001
Telephone: 232-4922

Mr W. A. McKinnon, CBE
Secretary
Department of Immigration & Ethnic Affairs
Benjamin Offices
Chan Street
BELCONNEN A.C.T. 2617

Dear Mr McKinnon,

Re: Mr Justice L. K. Murphy

I refer to my letter of 13 June 1986 and to your subsequent discussions with Mr D Durack, Solicitor to the Parliamentary Commission (the Commission).

Mr Durack has advised me that on Thursday 3 June 1986 he collected from the Sydney office of the Director of Public Prosecutions two of your Departmental files:

File 74/60762 - Sala, Ramon - Central Office

File N74/64348 - Sala, Ramon - Sydney Office

I advise that these files will be returned to the Department as soon as the Commission has completed its work.

I refer to a telephone conversation of 3 June 1986 between Mr D Durack and Mr John Mahoney of your Department and to the request for information set out in my letter of 13 June 1986. In this regard I would appreciate it if the following files could be forwarded to the Commission as soon as possible:

- (i) any files relating to investigations into illegal Korean migration.
- (ii) any files relating to Abraham Gilbert Saffron.

I thank you for your co-operation and assistance in this matter.

Yours sincerely

J. F. Thomson
Secretary

4 July 1986

Mr Justice L. K. Murphy
There we got the
earlier correspondence.
What was the conversation
with J.M. about.

(8)

17/7

For Mr. Goward
Robertson
Mr. Mahoney
Pls. ask

4.7.86 rd/ju



Parliamentary Commission of Inquiry

Presiding Member : The Hon. Sir George Lush
Members : The Hon. Sir Richard Blackburn, OBE
The Hon. Andrew Wells, QC

G.P.O. Box 5218
Sydney, N.S.W. 2001
Telephone: 232-4922

Mr W. A. McKinnon, CBE
Secretary
Department of Immigration & Ethnic Affairs
Benjamin Offices
Chan Street
BELCONNEN A.C.T. 2617

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Yours sincerely

J. F. Thomson
Secretary

4 July 1986

*Mr. Kelly
has been
in the
me got the
earlier correspondence.
What was the conversation
with J.M. about.*

*Mr. Goward
Robertson
Pls. speak
urgently.*

4.17.16 10/7.10 9/7.12

FILE NOTE

RE: 7 COPIES OF STEWART ROYAL COMMISSION REPORT
VOLUME II PROVIDED BY
PRIME MINISTER AND CABINET

Seven (7) copies in numbered series 17A - 17G destroyed on 27.8.86 after discussions with P Luck of Prime Minister and Cabinet (see letter confirming same and destruction certificate on File C1).

. original which was provided to Judge's representatives i.e. No. 17C returned by A Bennett and destroyed with others as above.

. S. Masselos advised three (3) photocopies had been made of 17C for his and Counsels' purposes.

. S Masselos returned two (2) photocopies on 19/8/86 and it appears the last photocopy is with M Einfeld QC (the two returned photocopies were destroyed save for Ch 1 and 2 of one of them which has been placed on the Development of Allegations file C51).

. M Einfeld should be contacted again re retrieval of the last copy.

[REDACTED]

D N Durack

28 August 1986

DD. to P. Cluck (P.M. + G. Inel.)

- discussed return or destruction of

Stewart Vol. II's (17A-G).

- agreed on destruction - DD

to write advising destruction with

another letter to that fact.

DD

27/8/86.

Mr M Codd
Secretary
Department of the Prime Minister and Cabinet
Edmund Barton Building
Cnr Broughton and Macquarie Streets
BARTON ACT 2600

Attention: Mr P Luck

Dear Sir

RE: ROYAL COMMISSION OF INQUIRY INTO ALLEGED TELEPHONE
INTERCEPTIONS - VOLUME II.

I refer to telephone discussion today between the writer and Mr P Luck of the Department.

As agreed I advise that the seven copies of Volume II of the Stewart Royal Commission provided to me on 27 May 1986 have been destroyed by me. (Series number 17A-17G).

I thank you for your assistance in this matter and attach hereto destruction certificate as requested.

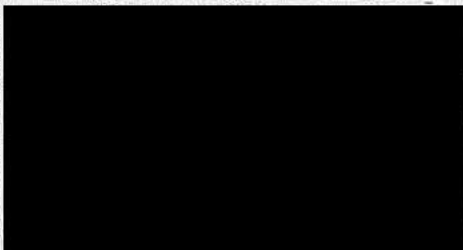
Yours faithfully



D N Durack
Instructing Solicitor

27 August 1986

I, DAVID NEIL DURACK, Solicitor Instructing Counsel
Assisting the Parliamentary Commission of Inquiry
today observed the destruction of 7 copies of
Volume II of the Report of the Royal Commission of
Inquiry into Alleged Telephone Interceptions (Series
numbered 17A - 17G inclusive).



.....
D N Durack



.....
Daryl P Smeaton
Assistant Secretary

27 August 1986

RETURN OF DOCUMENTS BY
Commission.

Documents returned to AFP 21/8/86
as

Documents received from Senior Constable S. Hill,
CID, AFP, Canberra on 4 July 1986

- ✓a. 4 Manilla folders marked "Diary of Morgan Ryan" containing photocopy documents.
- ✓b. Photocopy NSW Police documents (Lowe/Shaw: attempt to influence Lewington).

Documents received from Detective Acting Sergeant B. Knibbs,
NCIB, Canberra, on 22 July 1986

- c. Age Tape Enquiry:
 - ✓(i) Original Running Sheets
 - ✓(ii) Working File - Volume 1
- d. ✓Korean Immigration Enquiry:
 - (i) Volume 1
- e. Rodney Groux Enquiry:
 - ✓(i) Original Running Sheets
 - ✓(ii) Volume 1 - Original Statements
 - ✓(iii) Volume 2 - " "
 - ✓(iv) Volume 1 - Original Documents
 - ✓(v) Volume 2 - " "
 - ✓(vi) Volume 3 - " "
 - ✓(vii) Briefing Papers, Reports, Correspondence

Documents received from Superintendent F.C. Pimm, Commander
Western Region, AFP, Perth on 24 July 1986

- ✓f. File marked "Moll Commodities Brief 1"
- ✓g. Lever Arch Folder marked "Moll Commodities Brief 2"
- ✓h. Situation Report by Det. Sen. Sgt. C. Netto (Quartermaine - Operation Edam)

- ✓i. Report of Independent Accountants Assisting Investigation (Operation Edam)
- ✓j. Braithwaite Report
- ✓k. Brief of Evidence - Moll: Conspiracy to Defraud
- ✓l. File marked "Marshall-Wilson" containing various loose documents.
- ✓m. File containing correspondence, reports relevant to Murphy J. enquiries/operation Edam.

Document received from Detective Chief Inspector A. Wells, Sydney.

- ✓n. Lever Arch Folder containing documents relevant to the Groux Enquiry.

received from the Australian Federal Police,
Western Region, the following documents
and records:-

- i) Report by Hungerford Hancock & Offner
dated 26th February, 85. re Operation
Edam.
- ii) Report by Det. Bellars dated 18th
September, 1984. re Complaints
by Mr Justice Murphy (Copy)
- iii) Letter dated 9th April 1980 from
Dir General of Taxes Netherlands
(Copy)
- iv) Analysis of 3 cheque books by
Document Examination Section
re handwriting
- v) Folder headed "Marshall-Wilson"
material re Michael Tiller,
Haney and Quartermaine.
Various Newspaper articles re
C. T. Moll
- vi) Statement of Hendrina BOEF
(Copy)
- vii) Statement of Dr Michael TILLER
(Copy)

- viii) Material supplied by Nat. Crime Authority dated 4th June, 1985.
- ix). Interview of Hendrina BOEF conducted by International Criminal Police Organisation. (Copy)
- x) Two valuations re Mrs Ingrid Murphy and accompanying reports by Constable JANEC dated 28th October, 1985.
- xi) Brief and advice re George Robert Shaw BRATHWAITE from Aust. Government Solicitor dated 10th January, 1985.
- xii) Brief of Evidence re Failure to Disclose overseas income re Murray V. Quatermaine
- xiii) Brief of Evidence re: Forgery / Uttering of Invoices Christo Theo MOLL.
 - 1 AFP File
 - 1 Arch Lever File.

~~xiv)~~

XIV) One Index of Evidence re
Conspiracy to Defraud - Christo T.
Mohl.

for and on behalf of Parliamentary
Commission of Inquiry.



24th July, 1986.



Australian Federal Police

Minute Paper

WESTERN REGION
RWS:mhg

RECEIPT

Received from Detective Acting Inspector SELLARS,
Australian Federal Police, Perth, this date on temporary
loan.

One Brief of Evidence (one volume)
CHRISTO THEO MOLL re alleged
Management Agreement Conspiracies.

One Brief of Evidence (in two volumes)
CHRISTO THEO MOLL re alleged
Commodity Trading Offences.

24 July, 1986

Signed _____

PARLIAMENTARY ADVISORY COMMITTEE

Mr Justice MURPHY

Mr Andrew PHELAN

I have today received from Senior Constable S. HILL,
Criminal Investigation Division, Australian Federal Police, an
envelope addressed to me and marked from Detective Chief
Superintendent Arthur BROWN.

Contained inside the envelope is:

- . Four (4) manila folders marked "Diary of Morgan Ryan" and
containing photo-copied documents.
- . Envelope marked "NSW Police Low/Lewington" also containing
photo-copied documents.

Signed:



Witness:

Date:

4/7/86.

S/C 2567



Australian Federal Police

Minute Paper

Received from Detective Acting Sergeant B. KNIBBS, NCIB, Canberra on the 22.07.86, the following:

AGE TAPE ENQUIRY

- a. VOLUME - Original Running Sheets.
- b. WORKING FILE - Volume (I)

KOREAN IMMIGRATION ENQUIRY

- a. VOLUME (I)

RODNEY GROUX ENQUIRY

- a. VOLUME - Original Running Sheet
- b. VOLUME (I) - Original Statements
- c. VOLUME (II) - Original Statements
- d. VOLUME (I) - Original Documents
- e. VOLUME (II) - Original Documents
- f. VOLUME (III) - Original Documents
- g. VOLUME - Briefing Papers, Reports, Correspondence

SIGNED:.....



ATTORNEY-GENERAL'S DEPARTMENT
SECRETARY'S OFFICE

TEL 71 9000

Response to
letter of
13/6/86
to P Brazil
re M. Ryan etc

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

FACSIMILE NO: (062) 73 1137

TO: *Regina Thompson*
..... *Parliamentary Comm of Inquiry*
FROM: *Brazil*
DATE: *9/7/86*
TIME: *940am*
NO OF PAGES
TO FOLLOW: *4*
MESSAGE:
.....
.....
.....
.....
.....

Fibs re memo from
T Carr relate
to queries re file DPP
+ Noel prior to 2nd trial
smw/bahman

All Files
ON this
List returned

through AGS
Sydney by
P Sharp P 2/8

A

FILES RELATING TO MORGAN RYAN & BROCK

1970-79

✓ 74/5294 Representations to Attorney-General by Morgan Ryan & Brock re request release and deportation of Ramon Sala

✓ (X) 74/7034 Representations to Attorney-General by Morgan Ryan & Brock re police injustice on Abe Saffron.

✓ 74/5801 Representations to Attorney-General by Morgan Ryan & Brock re G.J. Chappel, charge of larceny, Katherine Court of Petty Sessions.

Pick
up

✓ 74/8369 Representations to Attorney-General by Morgan Ryan & Brock re deportation of Lasio, Subjack, Juricio.

✓ 73/2604 Representations to Attorney-General by Morgan Ryan & Brock re Michael George Winfield.

(X) 77/2007 Representations to Attorney-General by Morgan Ryan & Brock (Solicitors) on behalf of G. Travkovski re Customs charges.

Peruse

(X) 77/5161 Representations to Attorney-General by Morgan Ryan & Brock

(X) 78/361 M.A. - Dr G. Ponnam

Returned to E. Carr.

Attorney-General's Canberra.

21.8.1986

Patricia Sharp

16

FILES RELATING TO MORGAN RYAN & BROCK

80 → CURR 2

- NO
- HB2/17997 Representations to Attorney-General by J. Birney MP re Mr Morgan Ryan - application for a bill of indictment.
- LT84/13428 Senate Select Committee on allegations concerning a Judge - Questions of possible prejudice to retrial of Mr Morgan Ryan
- HB4/14056 Representations to Attorney-General by L.F. Keatinge re matters relating to Morgan Ryan
- HB4/13506 Representations to Attorney-General by J. Birney MP re Mr Morgan Ryan - application for a bill of indictment.
- EX84/13392 Conduct of Judge John Foord in relation to the Morgan Ryan Case.
- HB5/13305 Representations to Attorney-General by J. Birney MP re Mr Morgan Ryan - application for a bill of indictment.
- HB5/13306 Representations to Attorney-General by J. Birney MP re Mr Morgan Ryan - application for a bill of indictment.
- HB5/17305 Representations to Attorney-General by E.C. Leash re Morgan Ryan and other matters.
- HB6/8805 Representations to Attorney-General by Jeffreys & Associates Solicitors on behalf of Morgan Ryan re possible proceedings as a result of an incident which occurred over 5 years ago

C
LEGAL AID

FILES RELATING MORGAN RYAN & BROCK

74/B/395 ✓

Hatcher -v- Governor of Queensland and Weiss.

File 1
UP.



Attorney-General's Department

MANAGEMENT DIVISION
SERVICES AND SUPPORT

MR BRAZIL

A. 1970-79

B. 1980 + CURRENT

C. LEGAL AID BRANCH FILE
LEGAL AID FILES NOT
NOMINALLY INDEXED.

TWO CARD
4/7/86



RECEIPT FOR ~~CLASSIFIED~~ DOCUMENTS

No 2827

FROM TO AG'S Andrew Phelan

DATE 18.7.86

Originator	Description	Reference No	Addressee and Address
T. CARR	1 file (33 folios)	75-504	Andrew Phelan

10775/77

Receipt is acknowledged of the above listed classified documents (Total No.....)
Signature..... Date..... Time.....

NOTE—This copy of receipt to be retained by recipient

Returned to Mr E. Carr -
21/8/86.
Patricia Sharp.



RECEIVED 15 JUL 1986

ATTORNEY-GENERAL'S DEPARTMENT

TEL: 71 9111

14 July 1986

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

PLEASE QUOTE: MD86/9354
YOUR REF:

Parliamentary Commission of Inquiry
G.P.O. Box 5218
SYDNEY, N.S.W. 2001

Attention: Mr. Fergus Thomson

Please find attached, as requested, the following Attorney-General's Department Central Office files:

77/2007 ✓

77/5161 ✓

78/361 and Attachment No. 253 ✓

2. It would be appreciated if these files could be returned to the Department when they are no longer needed.

3. It would be also be appreciated if you could endorse the copy of this letter as acknowledgement of receipt of the files and return it to me.


(E. Carr)
for Secretary

Indurach
OK ?
JS

Returned to Mr E. Carr -
21/8/86.

Patricia Sharp



RECEIVED - JUL 1986

ATTORNEY-GENERAL'S DEPARTMENT

TEL 71 9111

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

PLEASE QUOTE: MD 86/9354
YOUR REF:

7 July 1986

Parliamentary Commission of Inquiry
G.P.O. Box 5218
SYDNEY, N.S.W. 2001

Attention: Mr. Fergus Thomson

Please find attached, as requested, the following Attorney-General's Department Central Office files:

- ✓ MQ84/10943 ✓
- ✓ EX84/10894 ✓
- ✓ M 84/2327 & Mr Menzies Interview Notes (Red Book) ✓
- ✓ LT85/7804 ✓
- ✓ SA84/13165 ✓
- ✓ M 84/11984 ✓
- ✓ M 85/16446 ✓
- ✓ 74/7034 ✓
- ✓ M 84/11386 ✓
- ✓ M 84/4436 ✓

2. It would be appreciated if these files could be returned to the Department when they are no longer needed.

3. It would also be appreciated if you could endorse the copy of this letter as acknowledgement of receipt of the files and return it to me.

(E. Carr)
for Secretary

hu Ross
As BIF to hu Swack
on return.
7.1.
8/7

Returned to
Mr E. Carr.
21/8/86
Patricia Sharp

John Key

National Crime Authority

Documents supplied 10 June 1986

- Volume T1A (Copy 9): Pages 1 to 105 "Mad Dog" - transcripts and summaries relating to M.J. Ryan for the period 18 March 1979 to 12 April 1979 ✓✓
- ① Volume T1B (Copy 4): Pages 106 to 155 "Rabid" - transcripts and summaries relating to M.J. Ryan for the period 6 to 9 February 1980 ✓✓
- Volume T1C (Copy 7): Pages 156 to 199 "Morgan John Ryan" - profile and summaries relating to M.J. Ryan for the period 7 February 1980 to 10 May 1980 ✓✓
- Volume T1D (Copy 4): Pages 200 to 304 - transcript of tape prepared by the AFP from material produced to the Age newspaper and amended by the Royal Commission relating to M.J. Ryan for the period 2 March 1980 to approximately 2 June 1980 ✓✓
- * ⑤ TI226: Record of Interview with D.J. Lewington on 22 February 1984 (taken from TI69: Inquiries on behalf of the Special Prosecutor) folios 1-23 ✓
- ④ TI336: D.W. Thomas, Statement, folios 1-3 ✓✓

Documents etc supplied 11 June 1986

- ⑦ TI69: Inquiries on behalf of the Special Prosecutor, Part 1 folios 179-191 ✓✓
- ⑧ TI77: Morgan John Ryan: Cassette tapes of material transcribed in TID Tape 3 ✓✓
- ⑨ TI211: Korean Inquiry: Occurrence Book pages 1-163 (Australian Federal Police) folios 135-37 ✓✓
- ⑩ TI212: Lever Arch Binder labelled "Trident": Morgan John Ryan (AFP) folios 183-89, 241-58, 281-84, 287, 289-94 ✓✓
- ⑪ TI270: Thomas, D and Ryan, M : Tape of conversation and transcript (AFP) ✓✓

All NCA Documents picked up by


Key Ransom
10.30 AM 21/8/86

DD.

- (12) **EL363: Investigator's Report: No.25**
- (13) Transcript of evidence K.R. Brown X ✓
 - (14) Transcript of evidence, supplementary statement P.L. Egge
 - (15) Transcript of evidence M.F. Farquhar X
 - (16) Transcript of evidence J.F. Francisco
 - (18) Transcript of evidence K.L. Huber X ✓
 - (19) Transcript of evidence R.A. Johnson X ✓
 - (20) Transcript of evidence P.J. Lamb X
 - (21) Transcript of evidence M.A. Morris X
 - (22) Transcript of evidence J.M. Pry X
 - (23) Transcript of evidence M.J. Ryan X
 - (24) Statement of G.P. Smith X ✓
 - (25) Supplementary statement W.S. Stanton X ✓
 - (26) Transcript of evidence, statement O. Taylor X
 - (27) Transcript of evidence D.W. Thomas X
 - (28) Transcript of evidence R.I. Treharne ✓
 - (29) Transcript of evidence M.T. Wood

E200 ✓

E850-58, Ss337-349 ✓
E3396-97 ✓
E2283 ✓
E547-48 ✓
E589 ✓
E1318 ✓
E3568-69, E3577-78 ✓
E2784 ✓
E3943-46, E3954-58 ✓
S455 ✓
Ss140 ✓
E3870-71, S1019-223 ✓
E3279-99 ✓
E1012 ✓
E2430-32, S732 ✓

Signed: 

Date: 12/6/86

Copies to MW & AP. 2/7/86.

Documents obtained from NCA (July 86)

① 18 Lever Arch Folders, identified as follows
(Stewart 'Types' Enquiry).

a.	Evidence	1 - 321
b.	"	322 - 695a
c.	"	696 - 1030
d.	"	1031 - 1475
e.	"	1476 - 1853
f.	"	1854 - 2077
g.	"	2078 - 2446
h.	"	2447 - 2714
i.	"	2715 - 3057
j.	"	3058 - 3454
k.	"	3455 - 3984

l.	Statements	001 - 289
m.	"	285 - 466
n.	"	467 - 919
o.	"	920 - 1110

p.	Supplementary Statements	01 - 354
q.	"	" 355 - 695
r.	"	" 713 - 1001

② List of Hearings

③ 2 Manila files, marked

a.	21/1/81	Lamb Running Sheet
b.	6/3/81	Lamb Running Sheet.

④ 3 Photocopy files, as follows

- a. T1 0389 Part 1 "Luna Park: Information from NSW Govt - State Loan Solicitor"
- b. T1 0389 Part 2 "Luna Park: Information from NSW Govt Premier's Department"
- c. T1 6398 "Luna Park: Lease Tender Information"

Documents returned to the AFP 21 August 1988

Documents received from Senior Constable S. Hill,
CID, AFP, Canberra on 4 July 1986

- a. 4 Manilla folders marked "Diary of Morgan Ryan" containing photocopy documents.
- b. Photocopy NSW Police documents (Lowe/Shaw: attempt to influence Lewington).

Documents received from Detective Acting Sergeant B. Knibbs,
NCIB, Canberra, on 22 July 1986

- c. Age Tape Enquiry:
 - (i) Original Running Sheets
 - (ii) Working File - Volume 1
- d. Korean Immigration Enquiry:
 - (i) Volume 1
- e. Rodney Groux Enquiry:
 - (i) Original Running Sheets
 - (ii) Volume 1 - Original Statements
 - (iii) Volume 2 - " "
 - (iv) Volume 1 - Original Documents
 - (v) Volume 2 - " "
 - (vi) Volume 3 - " "
 - (vii) Briefing Papers, Reports, Correspondence

Documents received from Superintendent F.C. Pimm, Commander
Western Region, AFP. Perth on 24 July 1986

- f. File marked "Moll Commodities Brief 1"
- g. Lever Arch Folder marked "Moll Commodities Brief 2"
- h. Situation Report by Det. Sen. Sgt. C. Netto
(Quartermaine - Operation Edam)

- i. Report of Independent Accountants Assisting Investigation (Operation Edam)
- j. Braithwaite Report
- k. Brief of Evidence - Moll: Conspiracy to Defraud
- l. File marked "Marshall-Wilson" containing various loose documents.
- m. File containing correspondence, reports relevant to Murphy J. enquiries/operation Edam.

Document received from Detective Chief Inspector A. Wells, Sydney.

- n. Lever Arch Folder containing documents relevant to the Groux Enquiry.

Immigration File Board



Parliamentary Commission of Inquiry

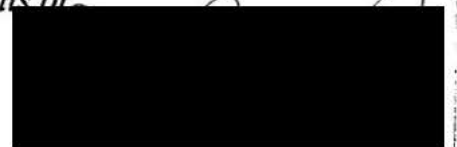
John Mahoney
Department of
Immigration &
Ethnic Affairs
Canberra

G.P.O. Box 5218
Sydney, N.S.W. 2001
Ph: (02) 232-4922

21.8.86.

Documents
picked up by
Immigration
at 10:10 AM
21/8/86
DD
21/8

Herewith return of files
74/60762 & 74/64348 provided
by DPP and other files
39/78 & 109/79 Parts 1,2,3,4,5,
6 & 7. provided by you.
With the compliments of



IMMIGRATION FILES

- 1/ Special Report File No 39 /78
ZUKER, Valentine
 - 2/ Manila folder Lacked
To be kept with file 109 /79
 - 3/ Special Report File. 109 /79.
CHANG SHIN BOIC Parts 1, 2, 3, 4, 5, 6+7.
-

MEMORANDUM

TO: Mr S Charles ✓
Mr M Weinberg ✓
Mr A Robinson ✓
Mr F Thomson ✓
Ms P Sharp ✓
Mr A Pheasant ✓

FROM: Mr D Durack

SUMMARY OF DISCUSSIONS HELD ON 16 JUNE 1986

Documents Received

- ✓ 1. manuscript
- ✓ 2. Computer print re C Moll - including known associates
- ✓ 3. Proof story re Moll - Murphy connection and cheque butt copies
- ✓ 4. Proof article by David Wilson re Age Tapes
- ✓ 5. Document re Saffron customs surveillance, etc.
- ✓ 6. Document headed "The Loans Affair The Public Record" and attachments
- ✓ 7. Swiss banking documents re C Moll and others
- ✓ 8. Document titled "Moll Profile"
- ✓ 9. Documents including material on Mrs Murphy - diamond valuation certificate and copy airline tickets involving Murphy's - also further documents re C Moll
- ✓ 10. Two tapes re West (Western Australia) - interview by Rodgers
- ✓ 11. Copy Power of Attorney Murphy-Wran
- ✓ 12. Document headed "Properties Owned By Lionel Murphy And Family"
- ✓ 13. Record of interview with R Sala and other documents re Sala

TAPP

13/6/86 19/8

33 Saffron Files
D.D. 19/8.

Balance taken by

J Tapp on
(Sandra Gibbons) 20/8/86.
(includes doc's received on
11/6/86 - Bank Doc's

Dcs 1-14

d 16 given to


AP. 24/6/86. JD

- ✓ 14. File Note re discussion with M Wilson re return of documents
- ✓ 15. Thirty-three files re A Saffron ✓
- ✓ 16. Document headed "Preliminary Analysis of the New South Wales Police Tapes of Morgan John Ryan" and attachments thereto

Matters Discussed

1. We are told that the Sala matter and the Morosi break-in should be closely looked at
2. The Paris Theatre documents will be provided
3. We should look at the Hansard reports re Sala and downgrading of Saffron surveillance
4. NCA contact - best would be Phillip Bradley re Rosemary Opitz
5. A Wells from AFP would also be very useful to us
6. The Thomas affair - Morgan Ryan saying to Don Davies (AFP) - "Have you got your cheque yet?" - This is payment of State superannuation entitlement - it is alleged Murphy arranged for this cheque to be sent to Davies
7. It was said that Max Walsh could be worth speaking to re the judge's appointment to the High Court
8. Reference to Lewington matter
9. Reference to pinball machines
10. It may be worth speaking to Sir Collin Woods ex AFP Commissioner now in London
11. Reference to a Hansard report of 6 March 1980 re allegation by Mr Bert of bribery attempt by Morgan Ryan
12. Reference made to journalist Warren Owens on Sydney 288 3000 - a political reporter with the Sunday Telegraph re Murray Farquhar - connections
13. Reference to a Mr B Hogman at solicitors Dawson Waldron re case of Morosi v. News Limited

Received from Lewis Hamilton on behalf of the Director of
Public Prosecutions, nine (9) lever arch binders containing
1 copy of the transcript of proceedings in the matter of
Lionel Keith Murphy being the committal, trial and
re-trial transcript.



SIGNED

D N Durack
NAME IN BLOCK LETTERS

Dated this 12 day of June 1986.

Time: 4-44 Pm

All of the
material shown
on these
receipts returned
to DPP Sydney
on 20/8/86 DD

RECEIPT FOR MATERIAL

I, DAVID DURACK, Principal Legal Officer attached to the Parliamentary Committee of Enquiry hereby acknowledge receipt of the following material from the Director of Public Prosecutions Sydney office.

1. a) Anderson, James

- i) Tape of Interview conducted on 9 April 1986 by Rowe in presence of AFP officer and summary relating thereto.
- ii) Interview with journalist Neil Mercer.
- iii) Public Evidence to NSW Parliamentary Enquiry into Prostitution.
- iv) In Camera evidence to same Enquiry.
- v) Transcript of Examination under s.69 Bankruptcy.

b) Age Tape Material

- i) Summary and Extracts of relevant parts. In some cases includes extra material gathered by DPP to explain or expand on various references. Some Stewart Royal Commission obtained material.
- ii) Full copy of Age Tapes as relate to Ryan - main sources Stewart Royal Commission and Sturgess.
- iii) One Tape of Murphy-Ryan conversation.
- iv) Profiles of some participants to Ryan conversations prepared by DPP and/or Sturgess.

c) ^{rv/10mg} Azarang Restaurant

Property and Corporate Affairs Commission searches.

d) Bird/McMahon

Extracts from draft novel.

e)



- i) Statement.
- ii) Memo dated 17 January 1975 to Attorney-General from Davies.
- iii) Supplementary AFP Modus Operandi Report dated 7 March 1975.
- iv) Other miscellaneous documents.

f) Briese

Documents relating to Senate Enquiries.

g) Davies

Statement supplied.

h) Egge

Statement and Evidence to Stewart Royal Commission.

i) Francisco

Extract of Evidence to Stewart Royal Commission.

j) Felton/Wigglesworth

- i) File Notes re. conversations for retrial.

k) Groux

- i) Statement re. Lewington.
- ii) File Notes re. contact with Groux and DPP.
- iii) Whited out copy of Groux statement.

l) Halpin

- i) Draft Statement.
- ii) Copy Article from "Matilda" magazine.

m) Lewington

Copy record of interview of 23 February 1984.

n) McPherson

Extract from newspaper report.

o) Menzies

Copy of Report on Sala.

p) Minter

Draft questions and handwritten responses.

q) Newspaper Clippings

Re. Murphy.

r) Property Transactions

Summaries of Murphy, Ryan and Miles property holdings.

s) Thomas

- i) Material prepared for retrial on basis character not in issue.
- ii) Material prepared for retrial on basis character in issue, includes evidence given to Stewart Royal Commission.

t) West, James

Draft statement prepared for retrial.

2. c) Lever Arch Folder marked "Additional Info"

Includes

- v) Sala Hansard and copy of District Court proceedings (put in manila folder).
- vi) Interview with Sankey of 3 March 1986 (put in manila folder).

f) Four page statement of Francis Gannell.

g) Sala

- i) Chronology of Events and copy of extracts of Murphy evidence at First Trial,
- ii) Handwritten analysis of various Sala files.

h) Two Manila folders of material received from Stewart Royal Commission includes:

- i) M. Ryan transcript
- ii) Egge statement and evidence

- iii) Thomas transcript
- iv) Running Sheets.

j) Manila folders titled "Hansard References"

- i) ASIO raids - Croation Terrorism
- ii) Execution of Australian Citizens in Yugoslavia
- iii) Overseas Loan affairs.

Several copies.

4. a) On Shelves

- viii) Folder marked "Association Evidence".



DAVID DURACK



WITNESS

DATE: 19 June 1986

PARLIAMENTARY COMMISSION OF ENQUIRY - MURPHY, J

FILES HELD BY DIRECTOR OF PUBLIC PROSECUTIONS, SYDNEY
BELONGING TO OTHER DEPARTMENTS

1. COMMONWEALTH POLICE FORCE

- (a) 74/2749
- (b) CIN/5/13
- (c) N79/79
- (d) N75/268

- Nelson, Jill ✓
- Sala, Ramon ✓
- Parts 1 + 2 and one unmarked file
- Green, Ian ✓
- Felton, Alan ✓

2. AUSTRALIAN FEDERAL POLICE

6378/81

- Sala, Ramon ✓

3. IMMIGRATION

- (a) Central Office
- (b) Sydney Office

- 74/60762 - Sala, Ramon ✓
- N74/64348 - Sala, Ramon ✓

To be
renewed
C
Immigration

4. CUSTOMS & EXCISE

- ✓ (a) NSS74/69176 ✓
- ✓ (b) 74/15219 ✓
- ✓ (c) 75/15124 ✓

- Sala, Ramon ✓
- Sala, Ramon ✓
- Ministerial Representations on
behalf of Abraham Gilbert Saffron
re. Treatment received on Arrival
and Departure from Australia.

5. INDUSTRY & COMMERCE

✓ (a) 84/97297 ✓

- "Allegations relating to Customs Surveillance of Mr A G Saffron - National Times - August 1984

Pt 1."

✓ (b) 84/97302 ✓

- "

Pt 2."

✓ (c) 84/97303 ✓

- "

Pt 3." ✓

6. DEPUTY CROWN SOLICITOR

(a) 74/2444/4A/44

- Olander, Michael ✓

(b) 74/2281/4A/42

- Sala, Ramon ✓

7. ATTORNEY-GENERAL'S DEPARTMENT

Photocopy of file 74/5294 ✓

"Reps to AG by Morgan Ryan & Brock re. Request release and Deportation of Ramon Sala"

Your reference:

Our reference:

Received from *JOCK COOPER* on behalf of the Director of Public Prosecutions a copy of the advice given by Messrs Callinan QC and Cowdery dated 13 April 1986 and a copy of the Crown Exhibits tendered at the retrial before his Honour Mr Justice Hunt.



Signed

DN Durack

Name in Block Letters

Dated this 20th day of June 1986.

Time: *2.15 pm*

2. FOLDERS BELONGING TO AUSTRALIAN FEDERAL POLICE

Australian Federal Police Files
(Relevant)

- | | | |
|-------|---------------------|------------------------------------------------------------|
| ✓ 1. | Anderson, James: | Notes and summaries. |
| ✓ 2. | Bird/McMahon: | Largely duplicates material in category 1(d). |
| ✓ 3. | Briese: | Age Tape extracts. |
| ✓ 4. | Casinos: | Age Tapes extracts. |
| ✓ 5. | Central Railway: | Age Tape extracts - one Murphy call. |
| ✓ 6. | Christie, Terry: | Extract from Age Tapes - one Murphy call. |
| ✓ 7. | Davies, J.D.: | Statements - largely duplicates material in category 1(g). |
| ✓ 8. | Gannell, Francis: | Statement. |
| ✓ 9. | Groux, Rodney: | Copies of statement and original. |
| ✓ 10. | Hagenfelds, Berita: | Summaries and Age Tape extracts. |
| ✓ 11. | Hameiri, Danny: | Summary and Age Tape extracts. |
| ✓ 12. | Halpin, David: | Draft Statement. |
| ✓ 13. | Jegerow, Bill: | Summary and Age Tape extracts: Murphy phone calls. |
| ✓ 14. | Miltie: | File Note of conversation re. Murphy. |

- ✓ 15. Morris, Milton: Age Tape extracts: one Murphy call.
- ✓ 16. Murphy, Chris: Summary and Age Tape extracts: one Murphy call.
- ✓ 17. Murphy, LK: Age Tape extracts.
- ✓ 18. Press: Press Clippings (1984).
- ✓ 19. Property: Summaries and searches re. Ryan, Murphy, Miles property.
- ✓ 20. Ryan, Morgan: Summary and Age Tape extracts, Corporate Affairs Commission records, Diary extracts.
- ✓ 21. Sala, Ramon: Menzies Report and Internal AFP memoranda.
- ✓ 22. Saffron, Abraham: Age Tape extracts, Hong Kong Immigration cards, Murphy marriage certificate, Saffron movements.
- ✓ 23. Sankey, Danny: Summary of Loans Affair prosecution and Age Tape extracts.
- ✓ 24. Taylor, W.: Notes of conversations with Wells.
- ✓ 25. Travel Movements: Overseas Travel movements for Murphy, Ryan and Miles.
- ✓ 26. West: Draft Statements - same as material in category 1(+).
- ✓ 27. Wood, Merv: Summary and Age Tape extract - no Murphy relevance.

- ✓ 28. Wran, Neville: Age Tape extracts.
- ✓ 29. Yuen, Robert: Report.

Australian Federal Police Files
(Marginally Relevant)

- ✓ 1. Aitkin, Bruce: Relates to Cessna and Ryan not Murphy.
- ✓ 2. Alcorn, Ian: Just telephone numbers.
- ✓ 3. Alexander, Brian: No Murphy connection.
- ✓ 4. Angler's Club: No Murphy connection.
- ✓ 5. Aquatic Club: No Murphy connection.
- ✓ 6. Bogan, Vic: No Murphy connection.
- ✓ 7. Borgia, Jeff: No Murphy connection.
- ✓ 8. Boyds: Transcript references from Age Tapes:
no apparent Murphy connection.
- ✓ 9. Boyle: Statement re. Sala - no Murphy
connection.
10. [REDACTED] ~~AFF files.~~ *NOT AVAILABLE
with A WELLS*
- ✓ 11. Carroll: No Murphy connection.
- ✓ 12. Cessna - Milner: Summary of Affair - no Murphy
connection.
- ✓ 13. Cody, Geoff: Extract from Age Tapes - no Murphy
connection.

- ✓ 14. Degen, Roger: Extract from Age Tapes - no Murphy connection.
- ✓ 15. Dominic/Doncas: Extract from Age Tapes - no Murphy connection.
- ✓ 16. Ducker, John: Summaries and Age Tape extracts - no Murphy connection.
- ✓ 17. Edwards, Reg: Extracts from Age Tapes - no Murphy connection.
- ✓ 18. England, Bob: Extracts from Age Tapes - no Murphy connection.
- ✓ 19. Enwright, Erica: Travel movements only.
- ✓ 20. Farquhar, Murray: Extracts from Age Tapes - no Murphy connection.
- ✓ 21. Farrugia, Peter: Extracts from Age Tapes - no Murphy connection.
- ✓ 22. Fifer, Gary: Summary - no Murphy connection.
- ✓ 23. Goss, Ronald: Summary and Age Tape extract - no Murphy connection.
- ✓ 24. Grynberg, Bob: Age Tape extract - no Murphy connection.
- ✓ 25. Hakim, Frank: Summary and Age Tape extracts: no Murphy connection.
- ✓ 26. Harris, Arthur: Extract from Age Tapes: no Murphy connection.
- ✓ 27. Immigration: Extracts from age Tapes: no Murphy connection.

- ✓ 28. Jury, Eric: Summary and Age Tape extracts: no
Murphy connection.
- ✓ 29. Lee, Bill: Summary and Age Tape extracts: no
Murphy connection.
- ✓ 30. Maher, Brian: Age Tape extract: no Murphy connection.
- ✓ 31. Mason, Brett: Age Tape extract: no Murphy connection.
- ✓ 32. Mason, Jim: Summary and Age Tape extracts: no
Murphy connection.
- ✓ 33. McCarthy, Peter: Age Tape extracts: no Murphy
connection.
- ✓ 34. Melrose: No Murphy relevance.
- ✓ 35. Miles: Summary and Age Tape extracts: no
Murphy relevance.
- ✓ 36. Mitchell, Marjorie: Summary and Age Tape extracts: no
Murphy relevance.
- ✓ 37. Murray, Mark: Age Tape extracts: no Murphy relevance.
- ✓ 38. Nugan, Frank: Summary and Age Tape extracts: no
Murphy relevance.
- ✓ 39. O'Rourke: Age Tape extracts: no Murphy relevance.
- ✓ 40. Peades: Summary and Age Tape extracts: no
Murphy relevance.
- ✓ 41. Pearson, Chicka: Age Tape extract: no Murphy relevance.
- ✓ 42. Romano, Stephen: Summary and Age Tape extracts: no
Murphy relevance.

- ✓ 43. Scali, Nick: Summary and Age Tape extract - no Murphy relevance.
- ✓ 44. Scott, Don: Age Tape extracts - no Murphy relevance.
- ✓ 45. Skolnik, Norman: Age Tape extracts - no Murphy relevance.
- ✓ 46. SP: Age Tape extracts - no Murphy relevance.
- ✓ 47. Togima Leasing: Summary - no Murphy relevance.
- ✓ 48. Tosha: Summary and Age Tape extract - no Murphy relevance.
- ✓ 49. Various Lawyers: Summaries - no Murphy relevance.
- ✓ 50. Wampfler, Willie: Summary and Age Tape extracts - no Murphy relevance.
- ✓ 51. Waterhouses: Summary and Age Tape extracts - no Murphy relevance.
- ✓ 52. Watson, Pat: Summary and Age Tape extracts - no Murphy relevance.
- ✓ 53. Weinstock: Handwritten notes - no Murphy relevance.
- ✓ 54. Whelan, Jack: Summary and Age Tape extracts - no Murphy relevance.
- ✓ 55. White, Sir Ernest: Summary and Age Tape extract - no Murphy relevance.
- ✓ 56. Wickers, Reg: Summary and Age Tape extract - no Murphy relevance.

3. 2 LEVER ARCH FOLDERS MARKED "DPP - RUSHTON: MURPHY RETRIAL" ✓

Includes

1. Memorandum from DPP to I. Callinan QC dated 5 March 1986 re. character.
2. Draft Statement for David Halpin.
3. File Note re. Murphy residence in Canberra dated 25 March 1986.
4. File Note re. Opening of High Court dated 25 March 1986.
5. Note of Interview with Marjorie Minter.
6. First Trial Index and Summary.
7. First Trial Summaries.
8. Note of Interview with Murphy driver.
9. Note of Interview with Ross Freeman.
10. Note of Interview with Sue Weber.
11. Note of Conversation with Kate Wentworth.
12. Note of Conversation with Gary Sturgess.
13. Summary of Newspaper Articles.
14. Note of Conversation with W.C. Wentworth.
15. Note of Conversation with Kate Wentworth.
16. Note of Meeting with Gary Sturgess.
17. Note of Conversation re. Nipperville.
18. Note of Interview with Wally Lewer.
19. Submission to Royal Commissioner Woodward re. Balmain Welding Co.
20. Draft Statement.
21. Extract interview with Hagenfelds.
22. Observations to Counsel.
23. Memorandum to Counsel and attachments.
24. Memorandum to Counsel re. Age Tape Materials.
25. Copy letter from Royal Commission of Inquiry into Alleged Telephone Interceptions.
26. Transcript of Thomas evidence to Royal Commission.
27. Minute to Deputy Director dated 2 December 1985.
28. Memorandum to Brisbane office dated 6 March 1986.
29. Transcript of Bankruptcy Examination of Anderson.
30. Senate, Committal and Trial evidence of McClelland.

31. Copy letter to Financial Review dated 6 March 1986.
32. Chronology of Events.
33. Copy letter from Royal Commission into Alleged Telephone Interceptions dated 5 March 1986.
34. Copy letter to Royal Commission into Alleged Telephone Interceptions dated 25 February 1986.
35. Matters requiring attention list as at 20 February 1986.
36. Extract from Corporate Affairs Commission Records.
37. Note headed "Gillespie - Jones" dated 4 March 1986.
38. Note of meeting with Sankey.
39. Summary of Proceedings Sankey v. Whitlam & Ors.
40. File Note of meeting Temby, Thomas and Wadick on 31 July 1985.
41. Draft letter to Royal Commission into Alleged Telephone Interceptions dated 28 February 1986.
42. Copy Halpin article.
43. Document headed "Avenues of Enquiry".
44. Document headed Report - Robert Yuen.
45. Document headed Notes for Discussion.
46. Minute to Director dated February 1986 re. possible use of Age Tape.
47. Notes - Stewart and NCA.
48. Copy letter and attachments from Lionel Murphy to Senator M. Tate dated 2 July 1984.
49. Receipt for Age Tape material.

Volume 2

50. Various Corporate Affairs Commission Documents and notes.
51. Corporate Affairs Commission records. Research for Survival.
52. Corporate Affairs Commission records Snowdust Pty Ltd.

.....
DAVID DURACK

WITNESS

DATE: 3 July 1986



Ethnic Affairs Commission of New South Wales

Mr Andrew Phelan
99 Elizabeth Street
8th floor
SYDNEY

189 Kent Street, Sydney 2000
Telephone: 237 6500

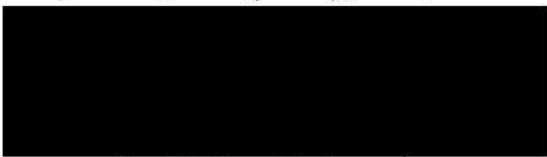
Your Reference:

Our Reference:

Ext:

22nd August 1986

Please release to the bearer of this letter,
MR RODNEY GILCHRIST, the three files property of the
Ethnic Affairs Commission of New South Wales, as
requested by Mr Andrew Phelan. Mr Gilchrist's
signature appears hereunder:


Dr M Costigan
Secretary

Branch offices of the Commission are located at:

3/1 Station Road, Auburn 2144 Telephone: 643 2211	161 Bigge Street, Liverpool 2170 Telephone: 601 3166	34 McMahon Street, Hurstville 2220 Telephone: 570 1444	176 Keira Street, Wollongong 2500 Telephone: (042) 28 4588	456-458 Hunter Street, Newcastle 2300 Telephone: (049) 2 4191
---------------------------------------------------------	------------------------------------------------------------	--------------------------------------------------------------	------------------------------------------------------------------	---------------------------------------------------------------------

RE JEGOROW DOCUMENTS

Phoned Mr. Lindsay LeCompte, Senior Legal Officer, M&P Dennis' Dept.

Advised him that I could return all Dennis' Dept files previously summonsed.

Advised him also of contents of repealing legislation. In particular, I warned him of the liability which may attach to disclosure of the contents of the summons.

[REDACTED] 21.8.86.

Phoned Mrs. Lathby Williams, Legal Section, Public Service Board of M&P.

Advised her that I could return all PSB files previously summonsed.

Advised her also of contents of repealing legislation. In particular, I warned her of the liability which may attach to disclosure of the contents of the summons.

[REDACTED] 21.8.86.

Delivered all documents to Dennis' Dept and PSB.

[REDACTED] 21.8.86.

Phoned Dr. Totaro's Secretary (Ethnic Affairs Commn). Arranged for files to be collected. (Totaro is 'out' all day).

Advised her of possible penalties in repealing legislation & disclosure. In particular, I warned her of the liability which may attach to disclosure of the contents of the summons.

CPD 22.8.86

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

The Honourable Mr Justice D G Stewart
Chairman
National Crime Authority
453-463 Kent Street
SYDNEY NSW 2000

Dear Judge

PARLIAMENTARY COMMISSION OF INQUIRY

I refer to section 13 of the Parliamentary Commission of Inquiry Act 1986 which is in the following terms:

13. (1) The Presiding Member may, by notice in writing given to the Chairman or Acting Chairman of the National Crime Authority, require the Authority -

- (a) to produce to the Commission documents and other materials in the possession of the Authority relating to the inquiry conducted by the Honourable Donald Gerard Stewart under Letters Patent issued on 25 June 1981, as varied by Letters Patent issued on 28 March 1983 and 29 March 1985, including documents or materials delivered by the Honourable Donald Gerard Stewart to the Authority upon the termination of that inquiry; or
- (b) to permit the Commission, or a member authorised for that purpose by the Commission and specified in the notice, together with such other persons as are specified in the notice, to have access to documents or materials referred to in paragraph (a).

(2) The National Crime Authority shall comply with a notice under sub-section (1).

(3) The National Crime Authority may make available to the Commission, at the request of the Presiding Member, documents or materials [other than documents or materials referred to in sub-section (1)], being documents or materials relevant to the matter into which the Commission is inquiring.

I would be pleased to discuss with you the facilitating of production and access to documents and other materials referred in section 13 as above and suggest that one of your officers contact Mr David Durack, Solicitor Instructing Counsel Assisting the Commission, to begin discussions in this regard prior to any formal notice being issued by the Commission.

Yours sincerely



G H Lush
Presiding Member

5 June 1986

Documents (letters)
received
from Kang Ransom
(NCA) on
21/8/86

Recd 30.6.86



Parliamentary Commission of Inquiry

Presiding Member : The Hon. Sir George Lush
Members : The Hon. Sir Richard Blackburn, OBE
The Hon. Andrew Wells, QC

G.P.O. Box 5218
Sydney, N.S.W. 2001
Telephone: 232-4922

30 June 1986

The Honourable Mr Justice D G Stewart
Chairman
National Crime Authority
453-463 Kent Street
SYDNEY NSW 2000

Dear Judge

PARLIAMENTARY COMMISSION OF INQUIRY

Further to my letter dated 5.6.86 I enclose a notice in writing pursuant to S13(1)(a) of the Parliamentary Commission of Inquiry Act 1986 (the Act) requiring the Authority to produce certain documents and materials to the Commission.

In addition I should be pleased if you would kindly make available to the Commission, in accordance with S13(3) of the Act, documents or materials (other than documents or materials the subject of the enclosed notice) being all documents or materials held by your Authority which may be relevant to or touch upon the Commission's Inquiry into the conduct of the Honourable Lionel Keith Murphy.

Yours sincerely

[Redacted signature block]

G H Lush
Presiding Member



Parliamentary Commission of Inquiry

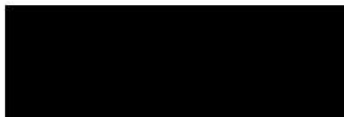
Presiding Member : The Hon. Sir George Lush
Members : The Hon. Sir Richard Blackburn, OBE
The Hon. Andrew Wells, QC

G.P.O. Box 5218
Sydney, N.S.W. 2001
Telephone: 232-4922

Notice pursuant to S13(1)(a) of the
Parliamentary Commission of Inquiry Act 1986

To: The Honourable Mr Justice D G Stewart
Chairman
National Crime Authority

The Parliamentary Commission of Inquiry (the Commission) hereby requires the National Crime Authority (the Authority) to produce to the Commission documents and other materials in the possession of the Authority relating to the inquiry conducted by the Honourable Donald Gerard Stewart under Letters Patent issued on 25 June 1981, as varied by Letters Patent issued on 28 March 1983 and 29 March 1985, including documents or materials delivered by the Honourable Donald Gerard Stewart to the Authority upon the termination of that inquiry. Specifically the Commission requires the production of documents and materials required by this section to be produced which relate to or touch upon or are relevant to the inquiry by the Commission into the conduct of the Honourable Lionel Keith Murphy.



G H Lush
Presiding Member

30 June 1986

Received 4/7/86



Parliamentary Commission of Inquiry

Presiding Member : The Hon. Sir George Lush
Members : The Hon. Sir Richard Blackburn, OBE
The Hon. Andrew Wells, QC

G.P.O. Box 5218
Sydney, N.S.W. 2001
Telephone: 232-4922

Mr D. M. Lenihan
Chief Executive Officer
National Crime Authority
453-463 Kent Street
SYDNEY NSW 2000.

Dear Mr Lenihan,

Re: Mr Justice L. K. Murphy

I refer to letter of Sir George Lush, Presiding Member of the Parliamentary Commission of Inquiry (the Commission) to His Honour Mr Justice Stewart dated 30 June 1986 and the attached notice pursuant to S.13(1)(a) of the Parliamentary Commission of Inquiry Act 1986.

I also refer to your letter of 11 June 1986 to Mr D. Smeaton, an officer of the Commission. Attached to your letter was a list of documents etc. provided by the Authority to the Commission following an inspection of material prepared by Ms Kay Ransome on 10 June 1986.

The material provided referred to above has been of great assistance to the Commission but as only certain pages of the transcript of evidence before the Royal Commission and certain pages of statements and supplementary statements were provided it has not been possible to form a concluded view of the material at this stage.

I would, therefore, appreciate it if all transcript of proceedings of the Royal Commission of Inquiry into Alleged Telephone Interceptions and all statements and supplementary statements could be provided to the Commission as soon as possible. I note that any of this material considered to be of no significance to the Commission will be returned as soon as that appraisal has been completed.

I thank you for your co-operation in this matter.

Yours sincerely,

[Redacted signature area]

J. F. Thomson
Secretary

4 July 1986

Desmond Ch'nan
+ Mr T 7/7



Received 4/7

Parliamentary Commission of Inquiry

Presiding Member : The Hon. Sir George Lush
Members : The Hon. Sir Richard Blackburn, OBE
The Hon. Andrew Wells, QC

G.P.O. Box 5218
Sydney, N.S.W. 2001
Telephone: 232-4922

Mr D M Lenehan
Chief Executive Officer
National Crime Authority
GPO Box 5260
Sydney 2001

Dear Mr Lenehan,

I acknowledge receipt of your letter of 3 July 1986 and the enclosures that accompanied it.

Yours sincerely,



J F Thomson
Secretary

4 July 1986

The following is a list of witnesses before the Royal Commission who were attached to the BCI and TSU during the periods that Ryan's telephone conversations were intercepted:

BCI

Anderson	Robert Charles
Aust	Bernard Frederick
Beaumont	Gary William
Brett	Mark Christopher
Cahill	John Edward
Calladine	Anthony Mervyn
Carrabs	Vincenzo Gino
Chambers	Warren Thomas
Champion	Alan Maurice
Choat	Jennifer Anne
Crawford	Ross Maxwell
Donaldson	Leonard Stuart
Dunn	Barry Wentworth
Durham	John Bruce Robert
Egge	Paul Leonard ✓
Finch	Ian Charles
Foster	James Frederick
Francisco	John ✓
Gilligan	Dennis Martin
Harvey	Rodney Graham
Jones	Albert John
Lauer	Anthony Raymond

McDonald	Kevin Edward
McDowell	Geoffrey Neil
McVicar	Brian Roy
Meadley	John Bradford
Morrison	Ross Page
Ogg	Michael Kevin
Owens	Geoffrey Richard
Palmer	John Ferdinand
Pryce	Bruce David
Rudd	Allan Leonard
Schuberg	Geoffrey Esmond
Shelley	Geoffrey
Shepherd	Robert Charles
Slade	George Walter
Sweeney	John Peter
Tharme	Michael
Treharne	Robert Ian ✓
Vickers	Geoffrey William
Walter	Paul Thomas
Wares	Ian Neville
Whalan	Peter David
Wiggins	Ronald David
Williams	Terrence John
Withers	John Fenton
Wooden	James Edward

TSU

Brown

Kevin Robert

Huber

Kerri Lynne

Johnson

Richard Anthony

Kilburn

Roger

Lewis

John Darcy

Lowe

Paul Thomas

McKinnon

Warren James

Slucher

Regby Francis

Smith

Grahame Phillip

Stanton

Warren Sydney

Recd 29.7.86



Parliamentary Commission of Inquiry

Presiding Member : The Hon. Sir George Lush
Members : The Hon. Sir Richard Blackburn, OBE
The Hon. Andrew Wells, QC

G.P.O. Box 5218
Sydney, N.S.W. 2001
Telephone: 232-4922

The Hon Mr Justice Stewart
Chairman
National Crime Authority
GPO Box 5260
Sydney 2000

Dear Judge,

I acknowledge receipt of your letter of 23 July 1986 and attachment.

Yours sincerely,

[Redacted signature]

Sir George Lush
Presiding Member

25 July 1986

Rec'd 25/7/86



Parliamentary Commission of Inquiry

Presiding Member : The Hon. Sir George Lush
Members : The Hon. Sir Richard Blackburn, OBE
The Hon. Andrew Wells, QC

G.P.O. Box 5218
Sydney, N.S.W. 2001
Telephone: 232-4922

Mr D M Lenihan
Chief Executive Officer
National Crime Authority
453-463 Kent Street
Sydney NSW 2000

Dear Mr Lenihan,

Mr Justice L K Murphy

I refer to my letter of 4 July 1986 wherein I requested that all transcript of proceedings of the Royal Commission of Inquiry into Alleged Telephone Interceptions and all statements and supplementary statements be made available to the Parliamentary Commission.

Following further discussions in relation to this matter I now request that copies of the following material be made available to the Commission as soon as possible:

A. Transcript of Evidence (in full) and Statements (in full) and Supplementary Statements (in full) of the following witnesses:

- (i) All of these referred to in Attachment B of your letter to me of 3 July 1986 (copy attached) i.e. witnesses before the Royal Commission who were attached to the BCI and TSU during the periods that Morgan Ryan's telephone conversations were intercepted.
- (ii) D Lewington
- (iii) M F Farquhar
- (iv) P J Lamb
- (v) M A Morris
- (vi) J M Pry
- (vii) O Taylor
- (viii) M T Wood

B. Any notebooks of the police officers referred to in (i) above.

Thanking you for your assistance in this matter.

Yours sincerely,

A solid black rectangular box used to redact the signature of J F Thomson.

J F Thomson
Secretary

25 July 1986

Mr Bryan Rowe
Senior Assistant Director
Office of the Director of Public Prosecutions
388 George Street
SYDNEY NSW 2000

Dear Bryan,

Re: PARLIAMENTARY COMMISSION OF INQUIRY

I refer to our telephone conversation of today re material provided to the Parliamentary Commission of Inquiry.

All documents provided to the Commission are returned herewith and a copy of the receipt in relation to each category of documents is included in the boxed material.

As discussed, Immigration Department files numbered 74/60762 - Raymond Sala and file N74/64348 - Raymond Sala, are to be returned directly to the Department by the Commission. I further note that file N721609 (David Ditchburn) provided by A. Wells is also returned.

I would appreciate it if you would confirm in writing receipt of all the material referred to herein. Your co-operation and assistance in this matter has been very much appreciated.

Yours sincerely,



David Durack
Instructing Solicitor

20 August 1986



RECEIVED 25 AUG 1986

Australian Customs Service

Reply to the Comptroller-General

Quote

Edmund Barton Building
Canberra A.C.T. 2600

Telephone

20 August 1986


Mr J.F. Thomson
Secretary
Parliamentary Commission of Enquiry
GPO Box 5218
SYDNEY NSW 2001

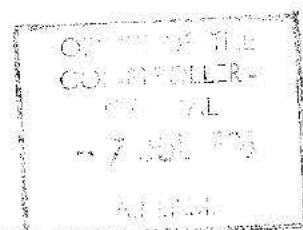
Dear Mr Thomson

I refer to our telephone conversation today regarding correspondence between your office and the Comptroller General of Customs and the Secretary of the Department of Industry, Technology and Commerce.

As agreed, I am attaching your letter to Mr Hayes dated 13 June 1986 and letter to Dr Charles dated 3 July 1986.

Yours sincerely


(G.N. STEELE)
A/g Deputy Comptroller General



Parliamentary Commission of Inquiry

Presiding Member : The Hon. Sir George Lush
Members : The Hon. Sir Richard Blackburn, OBE
The Hon. Andrew Wells, QC

G.P.O. Box 5218
Sydney, N.S.W. 2001
Telephone: 232-4922

PRIVATE AND CONFIDENTIAL

Dr David Charles
Secretary
Department of Industry, Technology and Commerce
Edmund Barton Building
Kings Avenue
BARTON A.C.T. 2600

Dear Dr Charles,

Re: Mr. Justice L. K. Murphy

I refer to my letter of 13 June 1986 addressed to Mr. T. P. Hayes (copy attached).

I advise that the Commission has received a submission which inter alia claims that "on or about May 1973 the Honourable Lionel Keith Murphy did cause and authorize a ministerial direction to be made to the Department of Customs and Excise that its officers should not enforce the provisions of regulation 4A of the Customs (Prohibited Imports) Regulations in relation to the importation of pornography".

In this regard I enclose herewith a copy of a note by R. J. Carmody (then First Assistant Secretary Compliance) to Senator Evans dated 29 March 1984 in response to a parliamentary question. This note refers to the "ministerial direction in 1973" being a note of a meeting between Senator Murphy, who was then Attorney-General and Minister for Customs and Excise and senior officials of both Departments.

I would appreciate it if a copy of the note of meeting referred to above and any submissions made by the Department to Senator Murphy (as he then was) prior to the said meeting and any other relevant documents (including the "additional instructions" mentioned in the penultimate paragraph of the attached copy note) could be forwarded to the Commission as soon as possible.

Ma R. Murphy
D (KL)

Could you please handle Mr. Carmody
will assist if necessary

8 JUL 1985

I am writing to you on the assumption that the relevant papers are under your control as Secretary of the Department of Industry, Technology and Commerce. You might please let me know if this assumption is wrong and this letter should be directed elsewhere.

Yours sincerely

A solid black rectangular box used to redact the signature of J. F. Thomson.

J. F. Thomson
Secretary

3 July 1986

PARLIAMENTARY COMMISSION OF INQUIRY



GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

STRICTLY PRIVATE AND CONFIDENTIAL

Mr T P Hayes
Secretary
Department of Industry, Technology and Commerce
Edmund Barton Building
Kings Avenue
BARTON ACT 2600

Dear Mr Hayes

PARLIAMENTARY COMMISSION OF INQUIRY

As you may be aware the Parliamentary Commission of Inquiry has commenced its task of inquiring into and advising the Parliament whether any conduct of the Honourable Lionel Keith Murphy has been such as to amount, in its opinion, to proved misbehaviour within the meaning of section 72 of the Constitution.

In the course of its inquiry, the Commission is seeking to establish the extent and nature of a relationship apparently existing between the Judge and Morgan John Ryan.

In this regard, the Commission would be considerably assisted by knowing whether Ryan (or Abraham Gilbert Saffron or Ramon Sala) were in contact with or made any approaches to the Judge in his capacity as Attorney-General or Minister for Customs and Excise; and whether, in either of those capacities or otherwise, the Judge intervened on behalf of any of the persons mentioned in connection with any official matter, in particular any matter concerning customs or excise. As well, the Commission would like to establish whether any of those persons named have been involved in any offences or alleged offences to do with customs or excise or any related matter.

It occurs to the Commission that there may be information within your Department (in documentary form or otherwise) that may shed light on these matters. It would be appreciated if you would arrange for some inquiries to be made within your

Re: M. J. Ryan
Re: M. J. Ryan
16 JUN 1986

Department with a view to identifying any such information. If any material touching on these matters is available, the opportunity of examining it would be appreciated, as would be the opportunity of interviewing any appropriate officers.

I should mention that the request for information in this letter is not made pursuant to any specific section of the Commission's statute.

Yours sincerely

A solid black rectangular box used to redact the signature of J F Thomson.

J F Thomson
Secretary

13 June 1986



PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

PETER REITH, M.P.
FEDERAL MEMBER FOR FLINDERS

Parliamentary Office
8th Floor, 87-89 PACH STREET
MELB. VIC. 3001
TEL. 03/475 3100

5th August, 1986.

RECEIVED 05 AUG 1986

The Hon. Sir George H. Lush,
The Presiding Officer,
Parliamentary Commission of Inquiry,
8th Floor,
99 Elizabeth Street,
SYDNEY. N.S.W. 2000

Dear Sir,

I hereby apply under the Freedom of Information Act 1982 for the following documents:

1. A copy of the transcript of proceedings of the Parliamentary Commission of Inquiry.
2. Copies of all submissions presented to the Commission.
3. Copies of affidavits, reports or other documents presented to the Commission to assist the Commission with its functions as specified by Section 5 of the Parliamentary Commission Act 1986.
4. Copies of correspondence between -
 - (i) The Commission and Mr. Justice Murphy.
 - (ii) The Commission and the Commonwealth Attorney-General.

Yours faithfully,

PETER REITH, MP
Member for Flinders

Due 12 Sept

FROM 61 59 793461

86.08.05 15:48

Australia Post
INTELPOST

1. Originating Office HASTINGS VIC HTS.Telephone No. [REDACTED]FAX NR [REDACTED]

TRANSMITTAL SHEET

10. Return of Original Document



Mail to Sender



Collect by Sender

9. Sender

Name: MR. P. KEITH M.P.Title: M.H.R.

Company:

Address: P.O. BOX 374HASTINGSState: VIC. Postcode: 3915Telephone: 059-79 3188

Type of Business:

11. Confirmation of transmission
Confirmation de transmissionOK ☐

2. Sending Office

HASTINGS HTS

3. Document Number

HTS PFM 016

4. Pages

(Including
Excluded
Sheet)

5. Date and Time:

Accepted

Received

6. RE

NA.5, 8, 86
3.45 pmam
pm

7. Delivery mode and service instructions

☐ F [REDACTED]

8. Addressee (including postcode)

THE HON SIR. GEORGE H. LUSH.THE PRESIDING OFFICER
PARLIAMENTARY COMMISSION OF INQUIRY.874 FLOOR 89 ELIZABETH ST.SYDNEY.Telephone No. 02-232 4932

Repeat pages:

Redonnez pages:

EP1 Nov 86

The Hon Mr Justice Stewart
Chairman
National Crime Authority
GPO Box 5260
Sydney 2000

Dear Judge,

I acknowledge receipt of your letter of 23 July 1986 and
attachment.

Yours sincerely,

Sir George Lush
Presiding Member

25 July 1986



**National
Crime Authority**

GPO Box 5260, Sydney, NSW 2001
Telephone (02) 265 7111
Telex 23575

OFFICE OF THE CHAIRMAN

CRIMINAL-IN-CONFIDENCE

23 July 1986

The Hon. Sir George Lush,
Presiding Member,
Parliamentary Commission of Inquiry,
11th Floor, ADC House,
99 Elizabeth Street,
SYDNEY. N.S.W. 2000.

Dear Sir George,

Further to our discussion last week, I enclose a copy of a further document which has since come into the Authority's possession. The source of the document also provided the material we spoke about last week.

According to the informant, the document represents a holding of 400 shares which in 1985 were valued at \$600,000.

As with the material we spoke about last week, the Authority has not itself conducted an investigation concerning the document and is consequently not in a position to attest to its authenticity or otherwise.

Yours sincerely,

A large black rectangular box redacting the signature of Mr. Justice Stewart.

Mr Justice Stewart



SCHWEIZERISCHE BANKGESELLSCHAFT

UNION DE BANQUES SUISSES
UNIONE DI BANCHE SVIZZERE
UNION BANK OF SWITZERLAND

8021 ZUERICH

MR. LIONEL KEITH MURPHY

MARCH 3RD, 1975
WVI2-MUADepot-Nr.
Dépôt No
Sec. Acc. No

384.841.42

Betrifft
Concerne
Re

ORDINARY GENERAL MEETING

Wir beziehen uns auf Ihre bei uns per
Nous nous référons à votre dépôt chez nous au
We refer to the following deposit as of

27.02.1975

deponierten
de
in your sec. account

400

AKT SCHWEIZ.BANKGESELLSCHAFT

FR 500

und gestatten uns, Sie auf die bevorstehende Generalversammlung dieser Gesellschaft aufmerksam zu machen. Als Beilage erhalten Sie die entsprechende Einladung, die Traktandenliste und allfällige weitere Unterlagen, soweit uns solche zur Verfügung gestellt worden sind. Sofern Sie selbst an der Versammlung teilnehmen oder einen Beauftragten dorthin entsenden wollen, bitten wir Sie, uns dies mittels beiliegendem Auftragsformular möglichst bald mitzuteilen, damit wir Ihnen rechtzeitig eine Eintrittskarte beschaffen können. Sollten Sie dies nicht beabsichtigen, sind wir gerne bereit, die Vertretung Ihrer Stimmrechte im Sinne der Zustimmung zu den Anträgen des Verwaltungsrates kostenlos zu übernehmen. Im Falle Ihres Einverständnisses bitten wir Sie um Rücksendung der beiliegenden Vollmacht. Wenn uns eine generelle Vollmacht vorliegt, werden wir Ihre Titel ohne Gegenbericht vertreten lassen.

L'assemblée générale des actionnaires de cette société ayant lieu prochainement, nous nous permettons de vous adresser la convocation y relative ainsi que l'ordre du jour et autre documentation disponible. Si vous désirez assister personnellement à cette assemblée ou si vous envisagez de vous y faire représenter, nous vous saurions gré de nous le faire savoir rapidement au moyen de la formule ci-jointe, afin que nous puissions vous procurer à temps une carte d'entrée. Mais si telle n'était pas votre intention, nous serions volontiers disposés à représenter sans frais vos actions et d'approuver les propositions du conseil d'administration. Dans ce cas, nous vous prions de nous retourner la formule de pouvoir ci-incluse. Si vous nous avez déjà donné un pouvoir général, nous représenterons automatiquement vos titres, à moins que vous nous donniez un avis contraire.

We wish to draw your attention to the forthcoming General Meeting of the Shareholders of said Company and send you the notice of meeting, the agenda and other pertinent material in our possession. In the event that you wish to attend the General Meeting yourself or delegate some authorized person, we ask you to inform us as soon as possible so that we can obtain a card of admission for you in time. If this is not your intention, we shall be pleased to vote your shares free of charge within the meaning of an approval of the proposals of the Board of Directors. In case of your agreement, kindly return the enclosed power of attorney. Should we be in possession of a general power of attorney, we shall have your securities voted unless we hear from you to the contrary.

Antwort erbeten bis
Réponse jusqu'au
Please reply by

13.03. NOON

Hochachtungsvoll - Vos dévoués - Yours very truly
SCHWEIZERISCHE BANKGESELLSCHAFT
Union de Banques Suisses - Union Bank of SwitzerlandBeilage
Annexe
Encl.Diese Mitteilung trägt keine Unterschrift.
Cette communication ne porte pas de signature.
This notification does not require a signature.

Mr D M Lenihan
Chief Executive Officer
National Crime Authority
453-463 Kent Street
Sydney NSW 2000

Dear Mr Lenihan,

Mr Justice L K Murphy

I refer to my letter of 4 July 1986 wherein I requested that all transcript of proceedings of the Royal Commission of Inquiry into Alleged Telephone Interceptions and all statements and supplementary statements be made available to the Parliamentary Commission.

Following further discussions in relation to this matter I now request that copies of the following material be made available to the Commission as soon as possible:

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- (i) All of these referred to in Attachment B of your letter to me of 3 July 1986 (copy attached) i.e. witnesses before the Royal Commission who were attached to the BCI and TSU during the periods that Morgan Ryan's telephone conversations were intercepted.
 - (ii) D Lewington
 - (iii) M F Farquhar
 - (iv) P J Lamb
 - (v) M A Morris
 - (vi) J M Pry
 - (vii) O Taylor
 - (viii) M T Wood

B. Any notebooks of the police officers referred to in (i) above.

Thanking you for your assistance in this matter.

Yours sincerely,

A large black rectangular redaction box covering the signature of J F Thomson.

J F Thomson
Secretary

25 July 1986

RECEIVED 23 JUL 1986



Australian Federal Police

Our ref: FOIN83/68/2
Your ref:

P.O. Box 179
Redfern
New South Wales
2016

Telephone
(02) 690 8666

18 July, 1986

Parliamentary Commission
of Inquiry
G.P.O. Box No. 5218
SYDNEY. NSW. 2001.

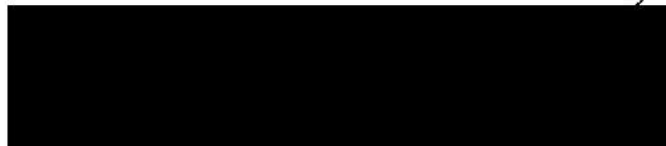
Attention: Mr J.F. THOMSON
Secretary

FREEDOM OF INFORMATION REQUEST
Brian TOOHEY - Re: Ramon SALA
and Abe SAFFRON

I refer to the above-mentioned Freedom of Information Request and ask officially that A.F.P. file number N74/1614 "Ramon SALA" which was transferred to you, be returned to Acting Sergeant D. KING, the Freedom of Information Liaison Officer, Australian Federal Police, P.O. Box 179, Redfern, New South Wales, 2016, so that the F.O.I. request made by Mr TOOHEY can be satisfied as required under the Act.

It is further requested that if you hold any A.F.P. documents relevant to Abe SAFFRON and his removal from the Airport alert list "P.A.S.S." System could also be sent to us, as it relates to this F.O.I. Request.

Thanking you for your co-operation.



for (R.J. McCABE)
Assistant Commissioner
Commander
EASTERN REGION

Tel 690 8767

*in Disturb
my mate to you
yesterday refers.
hinking can arrange
for files to be picked up.
Shed we copy from? (He can
do so & but perhaps we should)
(King wants to know
his 9-45 if he can
collect)*
J.F.
23/7



Teleg. 'IMMIGRATION' Canberra
Telephone 64 1111
Telex 62037
P.O. Box 25
Belconnen, A.C.T. 2616

RECEIVED 23 JUL 1986

**Department of Immigration
and Ethnic Affairs**

Benjamin Offices
Chan St
Belconnen, A.C.T. 2617

Our Ref: EL 8075

Your Ref:

Secretary
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001

ATTENTION: Mr David Durack

RE: MR JUSTICE L.K. MURPHY - YOUR LETTER OF 4 JULY 1986
REFERS

This letter is to confirm telephone conversation of 18 July 1986 between Mr D. Durack of the Commission and Mr A. Robertson of this Department.

It is noted that departmental files on Sala Ramon have been collected by the Commission from the Sydney office of the Director of Public Prosecutions.

As mentioned during the above conversation the individual files relating to illegal Korean migration were taken from the Department by the Australian Federal Police and subsequently, we understand, sent to the Director of Public Prosecutions in Sydney. The matter had been referred to the AFP in 1980.

The Department does not hold a specific file on Abraham Gilbert Saffron.

Any operational files located on the Korean matter will be forwarded to the Commission separately.



A. ROBERTSON
for Secretary

21 July 1986

Ms Carol Lloyd
Department of Immigration and Ethnic Affairs
Benjamin Offices
Chan Street
BELCONNEN ACT 2616

Dear Madam

Re: Mr Justice L K Murphy

I refer to our telephone conversation of 22 July 1986 and as agreed enclose herewith photocopies of the following files:

1. Department of Immigration, Sydney - N74/64348 -
RAMON SALA
2. Department of Immigration, Central Office -
N74/60762 - RAMON SALA

I advise that the original files are available at the offices of the Commission should you require anything further.

Yours faithfully,



D N Durack
Instructing Solicitor

23 July 1986

23 July, 1986

STRICTLY PRIVATE & CONFIDENTIAL

Mr. P. Brazil
Secretary
Attorney-General's Department
Robert Garran Offices
BARTON ACT 2600

Dear Mr Brazil,

Re: Mr Justice L K Murphy

I refer to your recent letter concerning certain overseas documents which came into the possession of the Parliamentary Commission of Inquiry by way of two Statutory Declarations made at Melbourne on 17 June, 1986.

I note the view expressed in that letter that the documents which relate to accounts and safety deposit boxes are bank documents, and hence subject to Swiss Banking Secrecy Laws. I note also that since January 1983 the Swiss Federal Act on Mutual Assistance in Criminal Matters has permitted the lifting of bank secrecy in certain cases, including those matters set out in Article 63 (3) of that Act, which provides:

"The following are in particular considered as proceedings carried out in criminal matters:

- (a) The prosecution of criminal offences (Art 1, Para 3);
- (b) Administrative measures against an offender;
- (c) Execution of sentences and pardon;
- (d) Compensation for unjustified detention."

Article 1, paragraph 3 provides that the Act shall apply only to criminal matters in which an appeal to a Judge can be made according to the law of the requesting State. I am advised by

Counsel Assisting that this latter provision would seem to pose no difficulties so far as the Parliamentary Commission is concerned given the ample possibilities of judicial review, and the ultimate justiciability of any decision that Mr Justice Murphy is guilty of "proved misbehaviour".

I am advised that it is not clear what meaning is to be attributed to Article 63(3), bearing in mind that what has been provided is a translation, and possibly an inadequate translation. The words "in particular" do not sit happily in the first line of the Article. It may be that these words suggest that items (a)-(d) are not intended to be exhaustive of those matters which may be the subject of mutual assistance under the Act.

Even if this were not so, Counsel Assisting the Commission have advised that in their view a strong case can be made that the Parliamentary Commission of Inquiry is, for relevant purposes, engaged in determining whether the Judge has committed serious criminal offences. The fact that the Commission's task is to report to Parliament its opinion on this question is not decisive of the issue whether this is a "proceeding carried out in criminal matters." It is Counsel's view that the role of the Commission in investigating allegations that the Judge has committed serious criminal offences might be sufficient to bring its proceedings within Article 63 (3)(a). Much would depend upon the manner in which a Swiss Court would go about the task of construing Swiss legislation. It could be argued that the role of the Commission is somewhat akin to that of a Magistrates' Court conducting a preliminary hearing (which is administrative in character) in order to determine whether a prima facie case of criminal conduct has been established. On a broad view of Article 63 (3)(b) it could be said that the role of the Commission involves the taking of "administrative measures against an offender" since an adverse report might well lead to the Judge's removal from the High Court by the Governor-General upon advice from the Executive Council.

In light of these matters it is requested that further consideration be given to the question whether, for the purposes of a request to the Swiss authorities, the proceedings of the Commission may be categorised as in the nature of "proceedings carried out in criminal matters" within the meaning of the Swiss Act.

I note your concern that the information which was supplied to you was insufficient to enable a request to be made. You indicate that any request must identify the offence in respect of which assistance is sought. We were informed by those who produced these documents to the Commission that the Judge was said to have been involved in a conspiracy (contrary to Section 86 (1) of the Crimes Act 1914). The intention of the conspirators was said to have been to receive secret commissions in respect of the large sums of money which were to be borrowed at the time of the so called "Loans Affair." It is certainly

true that if these safety deposit boxes were opened on the Judge's behalf, and at his behest, the timing of that event coupled with the identity of the co-box holders would suggest that this could amount to an overt act in support of the existence of such a conspiracy.

You also refer to Article 4 of the Act. It is suggested that if the evidence disclosed that the Judge had committed offences of this nature while Attorney-General, and then while a Justice of the High Court, they would certainly be sufficiently important to warrant a request being made for assistance.

As at present advised, the Commission can stipulate that the proceedings to which this request relates do not involve a political or military offence (Article 3 para 1) nor an offence aimed at reducing fiscal duties or taxes, nor an offence involving currency trading regulations or economic policy (Article 3 para 3).

In the light of the considerations set out above, and the developing urgency of the matter, it is requested that there be set in train immediately a request to the Swiss Authorities to consider the relevant documents with a view to their possible authentication.

It is requested also that you set in train as soon as possible whatever steps are required to determine whether the document which purports to indicate a shareholding in the Union Bank of Switzerland is genuine. I understand that Swiss Law may permit a search of the Register of Shares. I should mention that any shareholding which is as large as that disclosed by the document in question (worth we have been told close to \$750,000 in 1975) would raise very serious questions about the manner in which the shares had been acquired and from whom. The existence of such a valuable parcel of shares in the hands of the Judge in 1975 would also tend to corroborate a number of other allegations which have been made to this Commission.

Yours sincerely,



J F Thomson
Secretary



ATTORNEY-GENERAL'S DEPARTMENT

SECRETARY'S OFFICE

TEL: 71 9000

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2800

FACSIMILE NO: (062) 73 1137

TO: SIR GEORGE LUSH
FROM: MR P. BRAZIL
DATE: 23.7.1986
TIME: 1.45
NO OF PAGES 2
TO FOLLOW:
MESSAGE:

*ex.l.
23.7.86 - 1143-*

*Mr Lush 20/6
Please get our
the letter that
this responds to.
ie Sir George's
letter of 18 July.
7.1.*

CONFIDENCE



RECEIVED 2 JUL 1986

RECEIVED 22 JUL 1986

ATTORNEY-GENERAL'S DEPARTMENT

SECRETARY'S OFFICE

TEL: 71 9000

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

EX86/9066

The Secretary
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001

Dear Mr Thomson

Mr Justice L.K. Murphy

I refer to your letter of 17 July 1986 in which you request that an approach be made to the Swiss authorities as soon as possible to establish whether certain documents referred to, copies of which were enclosed in your letter, are authentic.

The documents the subject of your letter insofar as they purport to relate to accounts and safety deposit boxes are bank documents and hence subject to the Swiss Banking Secrecy laws. "Banking Secrecy" under Swiss law precludes any person working in a bank, be he or she an officer, employee, authorized agent or auditor, divulging any information whatsoever about any matters dealt with in the course of employment. This includes knowledge of whether any person is a client of the bank, no matter whether temporarily or permanently, whether the client is a Swiss or a foreigner, whether the client resides in Switzerland or abroad and whether the bank transacts business for the client in Switzerland or abroad. The secrecy extends to all details relating to transactions made by the bank with or for the client. Bank secrecy may, however, be lifted if the client expressly authorizes the bank to disclose information.

Since, January 1983, the Swiss Federal Act on Mutual Assistance in Criminal matters has permitted the lifting of Bank secrecy in certain cases involving proceedings carried out in criminal matters or matters involving the retrieval of the proceeds of crime. Article 63(3) of that Act is as follows:

See Durack
See esp. final para
21

22/7

IN CONFIDENCE

"The following are in particular considered as proceedings carried out in criminal matters:

- a. the prosecution of criminal offences (art. 1, para. 3);
- b. administrative measures against an offender;
- c. execution of sentences and pardon;
- d. compensation for unjustified detention."

Article 1, paragraph 3 provides that the Act shall apply only to criminal matters in which an appeal to a judge can be made according to the law of the requesting state.

I am of the view that the proceedings of the Parliamentary Commission cannot be categorized as "criminal proceedings" within the meaning of the Swiss Act, and that, accordingly, a request cannot be made pursuant to it.

Even if the Commission proceedings could be so categorized, the information furnished is insufficient to enable a request to be made. Firstly, any request to the Swiss authorities must identify the offence in respect of which assistance is sought. Article 4 of the Act requires the Swiss authorities to reject a request for assistance if the importance of the offence does not justify the carrying out of the mutual assistance proceedings. Secondly, any request must stipulate that the proceedings to which it relates do not involve a political or military offence (art. 3 para. 1) nor an offence which appears to be aimed at reducing fiscal duties or taxes or which violates regulations concerning currency trade or economic policy (art. 3 para. 3).

I have also considered whether there are any other avenues of obtaining the information you seek, and have come to the conclusion that they are precluded by Swiss law.

Article 271(1) of the Swiss Penal Code is as follows:

"(1) Whoever performs, without permission, acts for a foreign state on Swiss territory which are within the authority of an administrative agency or a public official,

whoever performs such acts on behalf of a foreign party or another foreign organization,

whoever furthers such acts,

will be punished by imprisonment, in grave cases by confinement in a penitentiary."

IN CONFIDENCE

- 3 -

Additionally, pursuant to Swiss banking law it is an offence, punishable by 6 months imprisonment or a fine of 50,000 Swiss francs, to violate or induce another to violate banking secrecy.

With respect to the document which purports to indicate a shareholding in the Union Bank of Switzerland, it may be that Swiss law permits a search of the Register of Shares. Please advise me, in the light of the above information regarding the other documents, whether you wish inquiries to be made. Any such inquiry would be conducted through the Australian Embassy in Bern.

Yours sincerely



P BRAZIL

IN CONFIDENCE

STRICTLY PRIVATE AND CONFIDENTIAL

Mr P Banafl
Secretary
Attorney-General's Department
Robert Gordon Offices
HARRIS ACT 2500

Dear Mr Banafl,

Re: Mr Justice L. R. Murphy

I refer to discussions held on 20 June 1986 between yourself, Mr Stephen Charles QC, Junior Counsel Assisting the Commission and Mr D. Burnett, Solicitor General, in relation to certain business documents which came into the possession of the Commission by way of two statutory declarations declared at Melbourne on 17 June 1986.

I also refer to a document provided to the Commission on 3 July 1986 known as the "Murphy Report".

The documents attached to the statutory declarations suggest, if genuine, that a safety deposit box was obtained and a numbered Swiss bank account was opened in the name of Lionel Keith Murphy (the Judge) on the 11 March 1975. On that date an East German national named Jochen Karl Zundermann paid 50 Swiss francs at the Zurich branch of the Union Bank of Switzerland to open a safety deposit box number 8343 in the names of the Judge and Robert Gough Whillam. The next document indicates that the Union Bank of Switzerland in its vault facilities held the safety deposit box number 8597 on behalf of the Judge and Miss Julie Muroci for 12 months from 11 March 1975. A further document shows a receipt numbered 816 for 70 Swiss francs which bears the date 4 April 1975. This document relates to safety deposit box number 8343 and purports to show that Julie Muroci was assigned the keys to the box designated for the Judge and Robert Gough Whillam.

The final document appears to disclose that the Judge had been allotted 400 shares in the Union Bank of Switzerland, shown to have been worth 500 Swiss francs each at the time. The document appears to be a notice of a forthcoming general meeting of the shareholders of the said company. A similar

document has come into the possession of the Commission (but not from the statutory declarations referred to above) dated 5 March 1973 which suggests that Dr James Earl Cairns had been allotted 250 of the same shares.

I attach hereto copies of the statutory declarations and accompanying documents referred to above together with a copy of the document relating to Dr Cairns.

Counsel assisting the Commission have perused the Howard Report which you provided but have come to the conclusion that it is of no assistance in relation to the status of the documents. The report does not refer in any way to these documents and it appears that Mr Howard was not aware of their existence at the time he wrote his report. There are extensive references in the report to a Jochen Dieter Sundermann and it may be that this person is one and the same Jochen Karl Sundermann, the East German national referred to previously as paying 50 Swiss francs to open a safety deposit box in the name of the Judge and Edward Cough Whitlam, but at present we are unable to reach any concluded view.

As discussed previously with Mr Barrack, it is now considered necessary that an approach be made on a government to government basis to establish whether or not the documents are authentic or otherwise. I therefore request that the said approach be made to the Federal authorities as soon as possible and that the Commission be advised as to the result of those inquiries.

Yours sincerely

J F Thomson
Secretary

17 July 1986

STRICTLY PRIVATE AND CONFIDENTIAL

Mr P Brazil
Secretary
Attorney-General's Department
Robert Garran Offices
BARTON ACT 2600

Dear Mr Brazil,

Re: Mr Justice L K Murphy

I refer to discussions held on 20 June 1986 between yourself, Mr Stephen Charles QC, Senior Counsel Assisting the Commission and Mr D Durack, Solicitor Instructing Counsel, in relation to certain overseas documents which came into the possession of the Commission by way of two statutory declarations declared at Melbourne on 17 June 1986.

I also refer to a document provided to the Commission on 3 July 1986 known as the "Howard Report".

The documents attached to the statutory declarations suggest, if genuine, that a safety deposit box was obtained and a numbered Swiss bank account was opened in the name of Lionel Keith Murphy (the Judge) on the 11 March 1975. On that date an East German national named Jochen Karl Zundermann paid 50 Swiss francs at the Zurich branch of the Union Bank of Switzerland to open a safety deposit box number 8343 in the names of the Judge and Edward Gough Whitlam. The next document indicates that the Union Bank of Switzerland in its vault facilities held the safety deposit box number 8597 on behalf of the Judge and Miss Junie Morosi for 12 months from 11 March 1975. A further document shows a receipt numbered 816 for 70 Swiss francs which bears the date 4 April 1975. This document relates to safety deposit box number 8343 and purports to show that Junie Morosi was assigned the keys to the box designated for the Judge and Edward Gough Whitlam.

The final document appears to disclose that the Judge had been allotted 400 shares in the Union Bank of Switzerland, shown to have been worth 500 Swiss francs each at the time. The document appears to be a notice of a forthcoming general meeting of the shareholders of the said company. A similar

document has come into the possession of the Commission (but not from the statutory declarations referred to above) dated 5 March 1973 which suggests that Dr James Ford Cairns had been allotted 250 of the same shares.

I attach hereto copies of the statutory declarations and accompanying documents referred to above together with a copy of the document relating to Dr Cairns.

Counsel assisting the Commission have perused the Howard Report which you provided but have come to the conclusion that it is of no assistance in relation to the status of the documents. The report does not refer in any way to these documents and it appears that Mr Howard was not aware of their existence at the time he wrote his report. There are extensive references in the report to a Jochen Dieter Sundermann and it may be that this person is one and the same Jochen Karl Zundermann, the East German national referred to previously as paying 50 Swiss francs to open a safety deposit box in the name of the Judge and Edward Gough Whitlam, but at present we are unable to reach any concluded view.

As discussed previously with Mr Durack, it is now considered necessary that an approach be made on a government to government basis to establish whether or not the documents are authentic or otherwise. I therefore request that the said approach be made to the Swiss authorities as soon as possible and that the Commission be advised as to the result of those inquiries.

Yours sincerely

J F Thomson
Secretary

17 July 1986

Your Ref: MD 86/9354

Mr E Carr
Attorney-General's Department
Robert Garran Offices
BARTON ACT 2600

MR JUSTICE L K MURPHY

I acknowledge receipt of your letter to Mr Fergus Thomson,
Secretary to the Commission, dated 14 July 1986.

I attach herewith a copy of your said letter endorsed as to the
receipt of the named Attorney-General's department files.



D N Durack
Instructing Solicitor

18 July 1986



RECEIVED 15 JUL 1986

ATTORNEY-GENERAL'S DEPARTMENT

TEL: 71 9111

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

14 July 1986

PLEASE QUOTE: MD86/9354
YOUR REF:

Parliamentary Commission of Inquiry
G.P.O. Box 5218
SYDNEY, N.S.W. 2001

Attention: Mr. Fergus Thomson

Please find attached, as requested, the following Attorney-General's Department Central Office files:

77/2007 ✓

77/5161 ✓

78/361 and Attachment No. 253 ✓

2. It would be appreciated if these files could be returned to the Department when they are no longer needed.

3. It would be also be appreciated if you could endorse the copy of this letter as acknowledgement of receipt of the files and return it to me.

(E. Carr)
for Secretary

Indesachy OK n/n.
OK 7
25



ATTORNEY-GENERAL'S DEPARTMENT

TEL: 71 9111

14 July 1986

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

PLEASE QUOTE: MD86/9354
YOUR REF:

Parliamentary Commission of Inquiry
G.P.O. Box 5218
SYDNEY, N.S.W. 2001

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77/2007

77/5161

78/361 and Attachment No. 253

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3. It would be also be appreciated if you could endorse the copy of this letter as acknowledgement of receipt of the files and return it to me.



(E. Carr)
for Secretary

*The above mentioned
files received by
the Commission on
15/7/86*



RECEIVED - JUL 1986

ATTORNEY-GENERAL'S DEPARTMENT

TEL 71 9111

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

PLEASE QUOTE: MD86/9354

YOUR REF:

7 July 1986

Parliamentary Commission of Inquiry
G.P.O. Box 5218
SYDNEY, N.S.W. 2001


Attention: Mr. Fergus Thomson

Please find attached, as requested, the following Attorney-General's Department Central Office files:

MQ84/10943 ✓
EX84/10894 ✓
M 84/2327 & Mr Menzies Interview Notes (Red Book) ✓
LT85/7804 ✓
SA84/13165 ✓
M 84/11984 ✓
M 85/16446 ✓
74/7034 ✓
M 84/11386 ✓
M 84/4436 ✓

2. It would be appreciated if these files could be returned to the Department when they are no longer needed.

3. It would also be appreciated if you could endorse the copy of this letter as acknowledgement of receipt of the files and return it to me.


(E. Carr)
for Secretary

hu Ross
PLS B/F to hu Durack
on return

FT.
8/7

John Key

In Confidence

FILE NOTE

his boss

20 C.I. plans

15 July 1986

Call by Stewart J. on Presiding Member

1100 hours

1. Stewart J. had with him a bundle of documents and about half a dozen photographs.
2. The photographs were of a convivial gathering. One of them included Judge Foord with an identified woman. The photographs were reported to have been taken at Griffith, date and occasion unknown. The woman was the wife of one of the men named in the Griffith inquiry. Most persons other than Foord shown in the photographs were of Mediterranean appearance.

Connection with the Judge obscure. Possibly via Foord-Ryan trial.

Foord's explanation - he had when in practice acted for members of the family in the photograph and was invited occasionally to their parties.

3. Stewart J. expressed the opinion that the dinner at Ryan's house attended by the Judge, Mr Farquar, Mr Briese and Mr M Wood was significant, though it was still not clear exactly what its purpose was. Possibly related to the Cessna-Milner case.
4. Documents included transcripts of Anderson's evidence before a Committee of Inquiry investigating prostitution. The relevant part appeared to be the reference to the Venus Room which was aired in Parliament at the beginning of June.
5. This evidence related to activities connected with prostitution of a kind further referred to in the material next to be mentioned.
6. Stewart J.'s documents included a transcript of interview and a summary from a Victorian officer Melner *Mengler* (query my spelling). The source, name not disclosed, was a journalist formerly of South Africa, once employed by The Age but now employed by The Australian. Melner gave the informant a low credibility rating. The summary recorded allegations that the Judge's wife and the Judge were involved with the K.G.B.; that they had both changed their family names (or their families had changed then) apparently to conceal Russian-Jewish origins.

In Confidence

In confidence

2

7. The summary also alleged that both the Judge and his wife had been active in bringing Phillipino women to Australia for prostitution.
8. The summary further alleged that the Judge was involved in a money laundering scheme in which money was transferred via Hong Kong or Singapore to London and on to Swiss Bank Accounts. Stewart J. was expecting further information on this within 24 hours.
9. This note is far from complete. It records items which became the subject of discussion. Some items Stewart J. said he knew to be wrong. Some appeared fanciful.

Sir George Lush
15 July 1986

In confidence

Mr T Griffin
Office of the Director of Public Prosecutions
American Express Tower
25 Abchurch Lane
LONDON EC4N 3DF

Attention: Mr B Rowe
Senior Assistant Director

Dear Sir

MR JUSTICE L R MURPHY

I refer to your letter of 4 July 1986 and return herewith
receipt for files provided on 3 July 1986.

I thank you for your assistance in this matter.

Yours faithfully



D N Durack
Instructing Solicitor

10 July 1986

Mr T Griffin
Office of the Director of Public Prosecutions
American Express Tower
38 George Street
SYDNEY 2000

Attention: Mr B Rowe
Senior Assistant Director

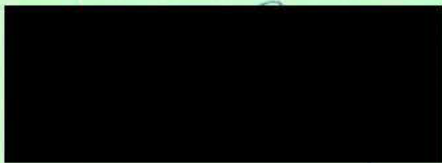
Dear Sir

MR JUSTICE L K MURPHY

I refer to your letter of 4 July 1986 and return herewith
receipt for files provided on 3 July 1986.

I thank you for your assistance in this matter.

Yours faithfully



D N Durack
Instructing Solicitor

10 July 1986



Sydney Office

Director of
Public Prosecutions

RECEIVED 1 JUL 1986

388 George Street
Sydney NSW 2000
GPO Box 4413
Telephone 02 226 9666
Facsimile 02 226 9684
Telex 74531-DX 1398

3 July 1986

Your reference:

Our reference:

The Secretary
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001

Attention: Mr David Durack

Dear Mr Durack

I refer to previous correspondence and in particular to my letter dated 19 June 1986.

I have now been given approval to hand over the files mentioned in paragraph 2(ii) of my earlier letter. I should also advise that two further folders of material that may be of relevance to your Inquiry are also available for collection. The Australian Federal Police have also given approval for release of the material mentioned in paragraph two of my letter dated 24 June 1986.

A receipt for the abovementioned material is attached.

Yours faithfully



BRYAN ROWE
Senior Assistant Director

Attch.

David Durack



1 RECEIVED 11 JUL 1986

Australian Customs Service

Reply to the Comptroller-General

Edmund Barton Building
Canberra ACT 2600

Quote

Telephone

Mr J F Thomson
Secretary
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001

Dear Mr Thomson

I refer to your letter of 13 June 1986 in which you sought information which may assist the Commission in establishing the extent and nature of any relationship existing between the Honorable Lionel Keith Murphy and Morgan John Ryan.

The Australian Customs Service has over the last year or so, conducted a number of searches of its records in response to similar requests. The last being in April of this year for the Director of Public Prosecutions (DPP).

I understand from the officer who conducted those searches that the files containing material relevant to your request are still with that organisation. Those files are:

- .84/97297 - Allegations Relating to Customs
- .84/97302 - Surveillance of Mr A G Saffron
- .84/97303 - Parts 1-3

- .75/15124 - Ministerial Representations on Behalf of Abraham Gilbert Saffron re Treatment Received on Arrival and Departure from Australia

Further action?
25.
14/7
I have written to the Director of Public Prosecutions authorising the release of those files to the Parliamentary Commission of Inquiry.

I understand also that the DPP has two further files which originated in the ACS and which may be relevant to your request:

- .NSS 74/69176 - Sala:Ramon Llull, and
- .74/15219 - Sala, Ramon Llull:Drug Prosecution

Those files were raised by the then Federal Bureau of Narcotics and would have been transferred to the Australian Federal Police (AFP) around 1979. Our previous searches would indicate that these files would have been obtained from the AFP rather than this Service.


The release of these files would seem to be a matter for the AFP.

Some further file references were identified in previous searches which may be of assistance to the Commission. I have attached a copy of the relevant registry cards. The following information may be of assistance:

1. File 75/20833 - an old Police and Customs file now held by AFP or the Department of the Special Minister of State.
2. File 80/1951 - Ministerial representations of December 1979 and February 1980 to the then Minister The Hon R V Garland. (Not relevant to your inquiry but available if required).
3. File 78/1446 - Transferred to the Australian Government Solicitors Office.

I have attached a copy of my letter to the DPP for your information. I would suggest that you contact that office to arrange transfer.

Yours sincerely


(F I Kelly)
Deputy Comptroller-General

/s/ July 1986

Ryad M

[illegible]

[illegible]

C. J. THOMPSON, Commonwealth Government Printer

10706/79-L

SAFFRON A.G

B243(1.77)



Australian Customs Service

Reply to the Comptroller-General

Edmund Barton Building
Canberra A.C.T. 2600

Quote

Telephone

Mr P J Walshe
First Assistant Director
Director of Public Prosecutions
PO Box E370
Queen Victoria Terrace
CANBERRA ACT 2600

Dear Mr Walshe

As you are aware the Parliamentary Commission of Inquiry has written to the Australian Customs Service (ACS) seeking documents which may assist it in its work.

The following ACS files relevant to the Commissions request are in your possession:

- .84/97297 - Allegations Relating to Customs
- .84/97302 Surveillance of Mr A G Saffron
- .84/97303 Parts 1-3

- .75/15124 - Ministerial Representations on Behalf
of Abraham Gilbert Saffron re
Treatment Received on Arrival and
Departure from Australia

I hereby authorise you to release those files to the Parliamentary Commission of Inquiry.


I understand that the DPP has two further files believed to have been provided by the ACS which may be relevant to the Commission's request. Those files are:

- .NSS 74/69176 - Sala: Ramon Llull, and
- .74/15219 - Sala, Ramon Llull: Drug Prosecution

Those files were raised by the then Federal Bureau of Narcotics and would have been transferred to the Australian Federal Police around 1979. We have no record of those files remaining in the possession this Service or of having provided them to the DPP.

I have provided a copy of this letter to the Commission
for information.

Yours sincerely


(P/I Kelly)
Deputy Comptroller-General

8/ July 1986

Received 10 35am
7-7-86



ATTORNEY-GENERAL'S DEPARTMENT

SECRETARY'S OFFICE

TEL: 71 9000

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON ACT. 2800

FACSIMILE NO: (062) 73 1137

TO: *Regina Thompson*
..... *Parliamentary Comm of Inquiry*
FROM: *6/7/86*
DATE: *9/7/86*
TIME: *940am*
NO OF PAGES
TO FOLLOW: *4*
MESSAGE:
.....
.....
.....
.....
.....
.....

Ms Rose
Please B/F to
her Swack on
return 10/7.
10/7
J.T.
9/7

AG's response
6 letter of
13/6/86 re
Representatives
by Mayson
et al
10/7

FILES RELATING TO MORGAN RYAN & BROCK

1970 - 79

- 74/5294 Representations to Attorney-General by Morgan Ryan & Brock re request release and deportation of Ramon Sala
- 74/7034 Representations to Attorney-General by Morgan Ryan & Brock re police injustice on Abe Saffron.
- 74/5801 Representations to Attorney-General by Morgan Ryan & Brock re G.J. Chappel, charge of larceny, Katherine Court of Petty Sessions.
- 74/8369 Representations to Attorney-General by Morgan Ryan & Brock re deportation of Lasio, Subjack, Juricio.
- 73/2604 Representations to Attorney-General by Morgan Ryan & Brock re Michael George Winfield.
- 77/2007 Representations to Attorney-General by Morgan Ryan & Brock (Solicitors) on behalf of G. Travkovski re Customs charges.

~~77/5161 Representations to Attorney-General by Morgan Ryan & Brock~~

FILES RELATING TO MORGAN RYAN & BROCK

80 → CURRENT

- MB2/17997 Representations to Attorney-General by J. Birney MP re Mr Morgan Ryan - application for a bill of indictment.
- LT84/13428 Senate Select Committee on allegations concerning a Judge - Questions of possible prejudice to retrial of Mr Morgan Ryan
- M84/14056 Representations to Attorney-General by L.F. Keatinge re matters relating to Morgan Ryan
- M84/13506 Representations to Attorney-General by J. Birney MP re Mr Morgan Ryan - application for a bill of indictment.
- EX84/13392 Conduct of Judge John Foord in relation to the Morgan Ryan Case.
- M85/13305 Representations to Attorney-General by J. Birney MP re Mr Morgan Ryan - application for a bill of indictment.
- M85/13306 Representations to Attorney-General by J. Birney MP re Mr Morgan Ryan - application for a bill of indictment.
- M85/17305 Representations to Attorney-General by E.C. Leash re Morgan Ryan and other matters.
- M86/8805 Representations to Attorney-General by Jeffreys & Associates Solicitors on behalf of Morgan Ryan re possible proceedings as a result of an incident which occurred over 5 years ago

C
LEGAL AID

FILES RELATING MORGAN RYAN & BROCK

- 74/B/395 Hatcher -v- Governor of Queensland and Weiss.



Attorney-General's Department

MANAGEMENT DIVISION
SERVICES AND SUPPORT

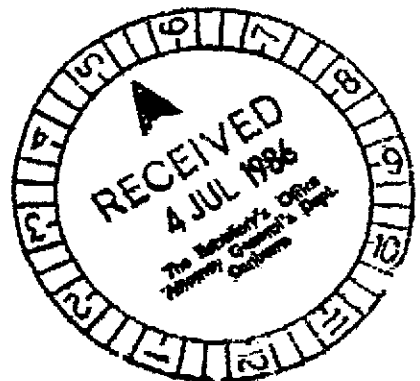
MR BRAZIL

ATTACHA. 1970-79

B. 1980 + CURRENT

C. LEGAL AID BRANCH FILE
LEGAL AID FILES NOT
NOMINALLY INDEXED.

TID CARD
4/7/86



DPP

Sydney Office

Director of
Public Prosecutions

RECEIVED - 7 JUL 1986

388 George Street
Sydney NSW 2000
GPO Box 4413
Telephone 02 226 9666
Facsimile 02 226 9684
Telex 74531-DX 1398

4 July 1986

Your reference:

Our reference:

The Secretary
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001


ATTENTION: MR DAVID DURACK

Dear Mr Durack

I refer to my letter dated 3 July 1986 and note that the receipt obtained for the documents delivered did not include the Industry and Commerce, Deputy Crown Solicitor and Attorney-General's Department files.

Please find attached a receipt for these files. Would you please complete it and return to me in due course.

Yours faithfully



BRYAN ROWE

Senior Assistant Director

→ *h. Durack*

Attch.

RECEIPT FOR MATERIAL

I, DAVID DURACK, Principal Legal Officer attached to the Parliamentary Committee of Inquiry hereby acknowledge receipt of the following material from the Director of Public Prosecutions Sydney office:

1. INDUSTRY & COMMERCE

- | | | |
|-------------|------------------------------------------------------------------------------------------------------------|---|
| a) 84/97297 | - "Allegations relating to Customs Surveillance of Mr A G Saffron - National Times - August 1984
Pt 1." | |
| b) 84/97302 | - " | " |
| | Pt 2." | |
| c) 84/97303 | - " | " |
| | Pt 3." | |

2. DEPUTY CROWN SOLICITOR

- | | |
|------------------|--------------------|
| a) 74/2444/4A/44 | - Olander, Michael |
| b) 74/2281/4A/42 | - Sala, Ramon |

3. ATTORNEY-GENERAL'S DEPARTMENT

Photocopy of file 74/5294

"Reps to AG by Morgan Ryan & Brock re. Request release and Deportation of Ramon Sala"



.....
DAVID DURACK

.....
WITNESS

DATE: 4 July 1986

10 20

Mr W. A. McKinnon, CBE
Secretary
Department of Immigration & Ethnic Affairs
Benjamin Offices
Chan Street
BELCONNEN A.C.T. 2617

Dear Mr McKinnon,

Re: Mr Justice L. K. Murphy

I refer to my letter of 13 June 1986 and to your subsequent discussions with Mr D Durack, Solicitor to the Parliamentary Commission (the Commission).

Mr Durack has advised me that on Thursday 3 June 1986 he collected from the Sydney office of the Director of Public Prosecutions two of your Departmental files:

File 74/60762 - Sala, Ramon - Central Office

File N74/64348 - Sala, Ramon - Sydney Office

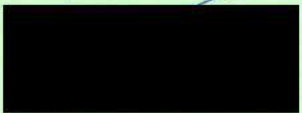
I advise that these files will be returned to the Department as soon as the Commission has completed its work.

I refer to a telephone conversation of 3 June 1986 between Mr D Durack and Mr John Mahoney of your Department and to the request for information set out in my letter of 13 June 1986. In this regard I would appreciate it if the following files could be forwarded to the Commission as soon as possible:

- (i) any files relating to investigations into illegal Korean migration.
- (ii) any files relating to Abraham Gilbert Saffron.

I thank you for your co-operation and assistance in this matter.

Yours sincerely


J. F. Thomson
Secretary

4 July 1986

MAILED TO FERGUS THOMPSON AT OFFICE OF PARLIAMENTARY COMMISSION OF INQUIRY
ON 4 JULY 1986 AT 3.54 PM



RECEIVED

1986

8 JUL 1986

ATTORNEY-GENERAL'S DEPARTMENT

SECRETARY'S OFFICE

TEL: 71 9000

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

EX86/9066

4 July 1986

Mr D N Durack
Instructing Solicitor
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001

Dear Mr Durack

I refer to your letter dated 2 July 1986 and now forward
herewith a copy of the note of what appears to be the meeting
on censorship that was referred to in your letter.

Yours sincerely



P. BRAZIL

Mr. Rees
B/E Mr Durack
Mr. Rees
7/7
8/7

Notes on Meeting with Attorney-General - 7 June 1973.Subject: Pornography and General Censorship Policy

Present: Mr. B.J. O'Donovan } Attorney-General's Department
 Mr. J. Somerville }
 Mr. G.W. Sheldon }
 Mr. A.T. Carmody } Department of Customs and
 Mr. J.T. O'Connor } Excise
 Mr. G.E. Sheen }
 Mr. H. Bates }

The Attorney-General first discussed the case of a man who had concealed a number of pornographic publications by strapping them to his legs in an attempt to import them into Australia. The publications were seized in accordance with arrangements made between the Secretary of the Attorney-General's Department and the Comptroller-General of Customs on the treatment of imported pornography.

2. Two issues were raised - first, was the act of concealment an offence and, if not, should the law be amended to make it an offence; second, did the publications in fact come within the scope of Regulation 4A of the Customs (Prohibited Imports) Regulations and if so, why?

3. The first issue was purely a Customs matter. The second involved future policy on censorship and action to be taken by Customs in accordance with the policy.

4. The Attorney-General restated the Government's policy on censorship stressing again that the freedom of people to read, hear and see what they wish in public and in private was to be balanced by the freedom of persons, and those in their care, from unsolicited material offensive to them. In this context he said that he would not intervene to stop a current prosecution in Alice Springs because the charges were based on the display of material.

5. The Attorney-General had with him a copy of the recently completed paper on censorship policy (copy attached); as he had not yet studied it fully he was given a resume of the proposals. He agreed that the legislation in the ACT and NT and other areas of Commonwealth responsibility (e.g. airports) controlling the sale and display of publications should be amended in accordance with the policy before any action was taken to repeal Regulation 4A of the Customs (Prohibited Imports) Regulations. He said that appropriate legislation for the Territories and other areas ~~should now be prepared~~ and also that discussions should be held with PNG's Department on the strengthening of laws dealing with the transmission through the mails of unsolicited material likely to be offensive to some people.

6. The Attorney-General agreed that until changes in legislation were completed, in particular the repeal of Regulation 4A, it would be necessary to compromise in the


implementation of policy in order to meet the requirements of the current law. Customs will therefore seize privately-imported pornography:-

- . if it comes to notice because a passenger blatantly but unsuccessfully attempts to conceal it;
- . if it is deliberately brought to the attention of examining officers;
- . if it clearly comes to notice in the course of examination for other Customs purposes of parcels post;
- . if imported by first class mail the material is known before examination to be unsolicited.

7. There will be no prosecutions for the importation of pornography or other currently prohibited publications, but if publications are seized (and occasions are expected to be few) the importer will be told clearly of his rights under Sections 205/207 of the Customs Act. If the importer questions the implementation of the Government's censorship policy he must be told frankly that full implementation must await changes in the law.

8. In the course of discussion on the legislative changes, the Attorney-General's attention was drawn to the proposal for Commonwealth/State meetings - both Officials' and Ministers'. He seemed receptive to the idea, but did not give a decision; the minute containing argument for the meetings had not yet reached him.

9. The Attorney-General made an interesting and possibly highly significant comment on television censorship. When it was pointed out that the Minister for the Media was the responsible Minister the Attorney-General said that he thought that he was responsible for all censorship.


(J. Somerville)
Assistant Secretary

14/6/73

CONFIDENTIAL

Mr P Brazil
Secretary
Attorney-General's Department
Robert Garran Offices
BARTON A.C.T. 2600

Dear Mr Brazil,

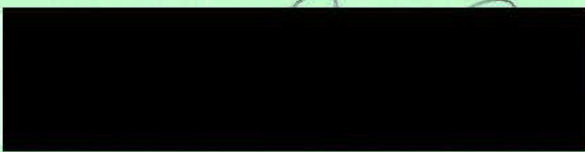
Re: Mr Justice L. K. Murphy

I refer to a telephone discussion on 30 June 1986 relating to a "ministerial direction in 1973" concerning Regulation 4A of the Customs (Prohibited Imports) Regulations.

In this regard I enclose herewith copy of note by R. J. Carmody (then First Assistant Secretary Compliance) to Senator Evans dated 29 March 1984 in response to a parliamentary question. This note refers to the "ministerial direction in 1973" being a note of a meeting between Senator Murphy, who was then Attorney-General and Minister for Customs and Excise and senior officials of both Departments.

I would appreciate it if a copy of the note of meeting referred to above and any submissions made by the Department to the Attorney prior to the said meeting and any other relevant documents could be forwarded to the Commission as soon as possible.

Yours faithfully


D Durack
Instructing Solicitor

2 July 1986

PRIVATE AND CONFIDENTIAL

Dr David Charles
Secretary
Department of Industry, Technology and Commerce
Edmund Barton Building
Kings Avenue
BARTON A.C.T. 2600

Dear Dr Charles,

Re: Mr. Justice L. K. Murphy

I refer to my letter of 13 June 1986 addressed to Mr. T. P. Hayes (copy attached).

I advise that the Commission has received a submission which inter alia claims that "on or about May 1973 the Honourable Lionel Keith Murphy did cause and authorize a ministerial direction to be made to the Department of Customs and Excise that its officers should not enforce the provisions of regulation 4A of the Customs (Prohibited Imports) Regulations in relation to the importation of pornography".

In this regard I enclose herewith a copy of a note by R. J. Camody (then First Assistant Secretary Compliance) to Senator Evans dated 29 March 1984 in response to a parliamentary question. This note refers to the "ministerial direction in 1973" being a note of a meeting between Senator Murphy, who was then Attorney-General and Minister for Customs and Excise and senior officials of both Departments.


I would appreciate it if a copy of the note of meeting referred to above and any submissions made by the Department to Senator Murphy (as he then was) prior to the said meeting and any other relevant documents (including the "additional instructions" mentioned in the penultimate paragraph of the attached copy note) could be forwarded to the Commission as soon as possible.

Note

Linda Hall of Ind. Tech. & Comm.
rang to say that the papers
concerned are with Comptroller General
D. Cursons. She will pass this request
to him with a note letting him know
she has informed us. J.T. 7/7

I am writing to you on the assumption that the relevant papers are under your control as Secretary of the Department of Industry, Technology and Commerce. You might please let me know if this assumption is wrong and this letter should be directed elsewhere.

Yours sincerely

A solid black rectangular box used to redact the signature of J. F. Thomson.

J. F. Thomson
Secretary

3 July 1986

Mr D M Lenehan
Chief Executive Officer
National Crime Authority
GPO Box 5260
Sydney 2001

Dear Mr Lenehan,

I acknowledge receipt of your letter of 3 July 1986 and the
enclosures that accompanied it.

Yours sincerely,



J F Thomson
Secretary

4p July 1986

RECEIVED - 4 JUL 1986



National Crime Authority

CENTRAL OFFICE
GPO Box 5260, Sydney, NSW 2001
Telephone (02) 265 7111
Telex 23575

3 July 1986

The Secretary
Parliamentary Commission of Inquiry
8th Floor ADC House
99 Elizabeth Street
SYDNEY NSW 2000

Dear Sir,

I refer to the meeting of 17 June 1986 between Sir George Lush and Mr Justice Stewart, which was also attended by representatives of your Commission and the Authority, regarding information held by the Authority touching upon Mr Justice L.K. Murphy.

The following information is furnished pursuant to the notice dated 30 June 1986 issued under section 13(1)(a) of the Parliamentary Commission of Inquiry Act 1986 and the Commission's requests made pursuant to section 13(3).

1. Relationship between Murphy J. and A. Saffron

The only material on hand which was not supplied to the DPP, apart from that emanating from Mrs Opitz (see 2 and 4), is that contained in an interview by Authority investigators with James West, a former part-owner of the Raffles group. The relevant pages of the record of interview are enclosed as Attachment A. West lives at [REDACTED] in Western Australia.

2. Mrs Rosemary Opitz

Mrs Rosemary Opitz has told Authority investigators that she is prepared to talk to the Parliamentary Commission provided she is introduced to it by Authority Investigators Baker and Reid. She also requested that she not be interviewed at her home and that Baker and Reid be present at any interview. No undertakings as to those conditions were given to her. Opitz has told the investigators that she was introduced to Murphy J. at Saffron's premises at Lenthall Street, Kensington 10 or 12 years ago.

3. James McCartney Anderson

The Authority understands that you have made arrangements to interview this person in New Zealand.

4. Anna Paul

All that is presently known of Anna Paul is information provided by Opitz that Paul was a girlfriend of Murphy J "in the period between his first and second marriages". According to Opitz, Paul is now a resident of England but was recently and may still be in Australia. Again according to Opitz, Paul would be able to confirm the fact that Murphy dined on a number of occasions with Saffron. The Authority is not in a position to arrange an introduction to Paul. It is a matter that the Commission might take up directly with Opitz.

5. Steven Leslie Bazley

The Authority is not in a position to introduce the Commission to Bazley nor is it aware of any information from or relating to him which touches upon Murphy J.

6. 'Age Tape' Witnesses

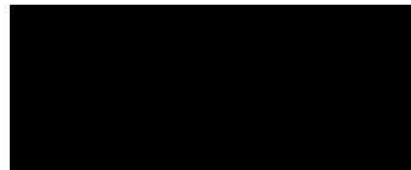
Enclosed as Attachment B is a list of persons who were attached to the New South Wales Police Bureau of Crime Intelligence and Technical Survey Unit during the periods when Morgan Ryan's telephone conversations were subjected to illegal interception. Some of those persons gave evidence to the Royal Commission regarding conversations involving Murphy J and those are identified in the Attachment. Others who were not questioned regarding the matter may be able to give evidence of such conversations.

7. Specific allegations

Enclosed as Attachment C is a document referring to information obtained by the Authority from the Royal Commission which relates to the 7 items referred to in the schedule to the letter of 25 March 1986 from Mr Justice D.G. Stewart to Mr Justice L.K. Murphy.

Please contact me if you require any further assistance in relation to these matters.

Yours faithfully,



D.M. Lenihan
Chief Executive Officer

-19-

- JW But er, I fell out with him because he wanted me to do a few bloody things for Abe, and I wouldn't do them, and I wouldn't be in them, no way.
- 197 IR Can you tell us what they were?
- JW No, I don't think I should really.
- 198 IR OK.
- JW No, it was to do with the police force, and I respect the police anyhow.
- 199 Mm. Is he still alive, this Bill Nielson?
- JW Yeah.
- 200 IR Still a policeman?
- JW No, he ... he was retired. He retired er ... Inspector CIB.
- 201 IR Mm. Do you know if Abe Saffron had a replacement in the Police Force for him?
- JW I don't know about that, I wouldn't, I would not be one little surprised about it.
- 202 IR No, but you don't know of it.
- JW No, I don't know if it Ian, no.
- 203 IR Sure, Probably none of us would be surprised, but if we don't know, we don't know.
- JW Yeah, that's true, quite true, yeah.
- 204 IR OK.
- JW Well, Murphy is a, you probably know, Murphy's Abe's man, that's for sure.
- 205 IR Which Murphy?
- JW The magistrate that's up now in all the bloody court
- 206 IR Oh, Lionel Murphy.
- JW Yeah, whatever his name is, I don't
- 207 IR Er, the Judge.
- JW Yeah, the Judge.
-
- 208 IR Yeah, right. How did that knowledge come to you?

- JW I met him over there with Abe. I used to go a year. Met quite a lot of people to
- 209 IR Was that Lodge 44?
- JW Yeah, Lodge 44, that's, that's the headquarters.
- 210 IR Yeah. Did Abe ever talk of his association with Murphy?
- JW Oh yes, that's for sure he did, yeah. I met quite a lot of the chaps there that from America to. No doubt he's involved which, I don't think I've got to tell you know that anyhow don't you?
- 211 IR Oh, yes.
- JW See what I mean Ian
- 212 IR Yes, we know it, for sure. Um, but we need, we need specifics.
- JW Mm. Mm.
- 213 IR Can you tell us who those people from America were?
- JW No, I couldn't tell you. I know they were top Mafia men, anyhow.
- 214 IR Do you know their names?
- JW No, off hand I don't, no.
- 215 IR No, OK. Are you prepared to tell us of what Abe said of his relationship with Murphy?
- JW Oh, not really, because er, I didn't know Murphy that well, I met him there with Abe, a few times, and um what they did between themselves, I think Abe pays him and that's it. You know he's involved in all the gambling around bloody Kings Cross don't you?
- 216 IR Mm. Did it concern you being in business with such a man?
- JW Yes, it did concern me pretty bloody badly too to, well I rather respect my family but he didn't like it very much at all.
- 217 IR Did it ever annoy him that you were more straight than he might desire?
- JW Yes, yes it did. Because I think he thought he could wanted to convert me.
- 218 IR Yes.

The following is a list of witnesses before the Royal Commission who were attached to the BCI and TSU during the periods that Ryan's telephone conversations were intercepted:

BCI

Anderson	Robert Charles
Aust	Bernard Frederick
Beaumont	Gary William
Brett	Mark Christopher
Cahill	John Edward
Calladine	Anthony Mervyn
Carrabs	Vincenzo Gino
Chambers	Warren Thomas
Champion	Alan Maurice
Choat	Jennifer Anne
Crawford	Ross Maxwell
Donaldson	Leonard Stuart
Dunn	Barry Wentworth
Durham	John Bruce Robert
Egge	Paul Leonard
Finch	Ian Charles
Foster	James Frederick
Francisco	John
Gilligan	Dennis Martin
Harvey	Rodney Graham
Jones	Albert John
Lauer	Anthony Raymond

McDonald	Kevin Edward
McDowell	Geoffrey Neil
McVicar	Brian Roy
Meadley	John Bradford
Morrison	Ross Page
Ogg	Michael Kevin
Owens	Geoffrey Richard
Palmer	John Ferdinand
Pryce	Bruce David
Rudd	Allan Leonard
Schuberg	Geoffrey Esmond
Shelley	Geoffrey
Shepherd	Robert Charles
Slade	George Walter
Sweeney	John Peter
Tharme	Michael
Treharne	Robert Ian
Vickers	Geoffrey William
Walter	Paul Thomas
Wares	Ian Neville
Whalan	Peter David
Wiggins	Ronald David
Williams	Terrence John
Withers	John Fenton
Wooden	James Edward

TSU

Brown

Kevin Robert

Huber

Kerri Lynne

Johnson

Richard Anthony

Kilburn

Roger

Lewis

John Darcy

Lowe

Paul Thomas

McKinnon

Warren James

Slucher

Regby Francis

Smith

Grahame Phillip

Stanton

Warren Sydney

Information available from the Royal Commission material supporting the seven items referred to in the Schedule to the letter of 25 March 1986 from Mr Justice D.G. Stewart to Mr Justice L.K. Murphy

Item 1, Robert Yuen: Casino

This matter is dealt with in detail in Volume Two of the Royal Commission Report at paragraphs 2.31 to 2.51. The references to the source material are in endnotes 40 to 60 on pages 88 to 89. Most of the material has been provided to the Parliamentary Commission. The balance of the material is available for inspection.

Item 2, Luna Park Lease

This matter arises from the supplementary statement and evidence of P.L. Egge which have been furnished to the Parliamentary Commission. Some background information was obtained by the Royal Commission. The facts appear to be as set out below.

On 27 May 1981 the New South Wales Government granted a lease of Luna Park for a term of 30 years to Harbourside Amusement Park Pty Ltd. Luna Park had been occupied for some years by Luna Park (NSW) Pty Ltd, initially pursuant to a lease and later on a tenancy from week to week, until 9 June 1979 when a fire occurred at Luna Park resulting in several deaths. There had been discussions between the Premier's Department and Luna Park (NSW) Pty Ltd concerning a new lease for the area, but no decision had been reached by the time of the fire. After the fire, tenders were invited for the future lease of the area. Originally the tenders closed on 23 November 1979 but on 17 January 1980 the NSW Government announced that all six tenders received had been unsatisfactory but that negotiations were continuing with the Grundy Organisation, which had come closest to meeting the Government's requirements. (TI/384)

On 12 March 1980 an advertisement appeared in newspapers calling for further tenders, the closing date for which was 17 June 1980. An interdepartmental committee was established to assess the tenders. The committee eventually

recommended that the tender, then in the name of Australasian Amusements Associates Pty Ltd, should be preferred. The Directors of Australasian Amusements Associates Pty Ltd included Sir Arthur George and Michael Edgley. The company experienced difficulty in obtaining registration under the name proposed and indicated that a new name would be chosen. In the meantime Australasian Amusements Associates Pty Ltd operated through a shelf company named Balopa Pty Ltd. The name of the company was subsequently changed to Harbourside Amusement Park Ltd which entered into the lease for the area. In 1981 the return of Particulars of Directors lodged at the Corporate Affairs Commission showed that on 7 October 1981 David Zalmon Baffsky a solicitor, was appointed as a director of the company. Baffsky is a member of the Sydney firm of solicitors, Simons and Baffsky, who regularly act for Saffron's companies. In 1982 the return of Particulars of Directors for the Company showed that Samuel King Cowper, a nephew of Saffron, had been appointed Secretary to the company. (TI/384)

There is no apparent reference to these matters in the documentary material, including available transcripts of tapes, or the tapes resulting from the interception of the telephone conversations of Ryan which were obtained by the Royal Commission. Sergeant P L Egge said that he recalled that Ryan had been involved in influencing the grant of the lease. In his supplementary statement Egge said: (Ss.342-343)

There is another matter which relates Saffron which I can't recall. I think this matter was also referred to on the transcripts that I do not precisely recall. After the fire at Luna Park a lease was to be granted the Reg Grundy Organisation. A draft lease was sent to the Grundy Organisation. Saffron then rang Ryan and said that he wanted the lease. Lionel Murphy was contacted by Ryan and requested to speak to Wran. So after this there was an announcement by the NSW Government that the lease was to be reviewed. The lease was then granted to a company which had a name like "Harbourside" of which Sir Arthur was the "front man". Based on the information which I gained from the transcript I believe that this was a Saffron owned or controlled company. ~~Saffron's companies were~~ incorporated by the same firm of solicitors. I cannot now remember a name of the firm. Some of these matters would not find their way onto the CIB dossier on Saffron as they were regarded as "too hot".

When giving evidence before the Commission, Egge said that the source of the information contained in his supplementary statement was the transcript of conversations intercepted on Ryan's telephone.

(E.854) He also said:

Well, in relation to it, Abe Saffron rang Morgan Ryan and said he would be interested in gaining the lease for Luna Park and Morgan Ryan said to Abe that it is going to the Reg Grundy organisation and Abe said, "Well, I want the lease". As the result of the conversation Morgan Ryan again got in contact with Mr Justice Lionel Murphy ... Mr Justice Lionel Murphy said, "leave it with me" and then after a short time Mr Justice Lionel Murphy rang back Morgan Ryan and said that he had spoken to Neville - only refer to as Neville - and said that he's going to try and make some arrangements for Abe to get the lease and either the next day or shortly therein after Mr Wran said that the Government is going to review the lease to Luna Park and a decision on the lease would be made by the Government within seven or fourteen days. I'm not sure of the period. (E.854-55)

When asked for the name of the solicitor to whom he was referring in his supplementary statement as regularly appearing for Saffron, Egge said that he could not remember clearly, but that the name Baffsky was familiar. Egge's allegation that Sir Arthur George was the 'front man' for a company in which Saffron had an interest was based, according to Egge, upon information contained in a BCI file that Sir Arthur George had been seen in Saffron's company and upon Egge's own research which he said he conducted into companies in which Saffron had a silent interest. In his original statement (S.538-545) Egge had explained that on his transfer to the BCI on 14 September 1979 he was utilised as a collator and analyst. Among the material available to him was a file of about 500 pages of transcript of intercepted telephone conversations involving Ryan, to which he frequently had reference as it 'formed the basis of Organised Crime in NSW'. It should be noted that although it may appear on a reading of Egge's evidence that he actually heard some telephone conversation as they occurred, this was not the case. (see E854)

The information provided by Egge emerged after the majority of material witnesses had given evidence and the Royal Commission did not recall those witnesses to establish whether they had any recollection of the conversations described by Egge. Two witnesses who followed Egge, however, said they recalled similar conversations.

Sergeant R I Treharne recalled similar but not identical conversations which he said he had listened to on tapes resulting from the interception of Ryan's telephone conversations. He had joined the BCI in January 1980 and had attended the offices of the TSU from time to time to transcribe tapes of conversations intercepted on Ryan's telephone service.

(S.428-9, Ss.251) When he gave evidence and was asked whether he remembered any such conversations as described by Egge, he said that he recalled that there was 'a fair amount of discussion as to gaining control of that lease'. He said that the discussion was between 'Saffron, Morgan Ryan and Jury - although I am unsure (of) Jury's participation'. (E.1011)

His comment on Eric Jury arose because he had referred to him earlier as being a party to suspicious conversations with Ryan. Treharne was unable to recall the conversations relating to Luna Park with any precision and said 'I know there were a number of conversations about it and Morgan Ryan felt that he could swing the lease'. He was unable to recall any other person with whom Ryan spoke by telephone concerning the Luna Park matter. (E.1012)

The other witness who said that he recalled the matter was former Sergeant M K Ogg who left the NSW Police to conduct his own business in 1982. Ogg had been a member of the BCI from February 1975 (Ss.319-324) and had typed transcripts of the intercepted telephone conversations of Ryan. Ogg said that he recalled conversations involving Ryan and the lease of Luna Park. He said he had either heard tapes or had read transcripts of the conversations. His recollection was that Ryan was trying to make representations to get the lease for a friend of his. He said that the friend's name was 'Colbron or something like that'. Although he was unable to be precise, he said that he had a 'feeling' that Ryan had made representations to Mr Justice Murphy. When asked for his recollection of any conversations, he said:

I cannot possibly actually recall the exact conversation on what he was going to do but I remember along those lines that were going to try and get the government to agree to this Company receiving the favour and getting the license for Luna Park.
(E. 1208)

'Colbron' may have been a reference to a solicitor, Warwick Colbron, who practised as Warwick A J Colbron, Hutchinson and Co at Bilgola Plateau. (Warwick A J Colbron, Hutchinson and Co were involved in attempts to procure a contract for the redevelopment of the Central Railway site (see Item 3).) After the tenders for Luna Park were first called, the tender from the Grundy Organisation was given qualified approval and negotiations that followed were conducted in the main on behalf of the organisation by Colbron. Correspondence was received by the Minister for Public Works from him on 16 April 1980 confirming that the group would be retendering. He again wrote on behalf of the Grundy Organisation on 23 May 1980, but when the successful tender, which was then in the name of Australasian Amusements Associates Pty Ltd, of June 1980 was received by the Government, Colbron was shown on the development proposal documents as one of 'The Development Team'. (TI/384).

If the conversations occurred, it is probable they would have taken place in January, February, March or April of 1980, for which period the Ryan transcript material is obviously incomplete. The major part of the material available for that period is the summaries prepared by Sergeant B R McVicar. The summaries commence with a reference to conversation on 7 February 1980 and then appear to be continuous until 24 February 1980, whereupon there are no references to any conversations until 9 March 1980, from when they appear to be continuous to 10 May 1980. McVicar was not recalled to give evidence of his knowledge of any such telephone conversations. Former Sergeant J B Meadley, who spent considerable time while he was attached to the BCI involved in surveillance of Ryan and who had heard tapes of Ryan's telephone conversations at the TSU from time to time, had no recollection of hearing any references in the Ryan conversations to Luna Park. (E.1083)

Documents obtained by the Royal Commission from NSW Government Departments relating to the lease are available for inspection.

Item 3, Central Station

This allegation also arises from the supplementary statement and evidence of P.L. Egge, copies of which have been furnished to the Parliamentary Commission. The Royal Commission conducted some preliminary inquiries into the matter. The facts appear to be as outlined below.

In 1977 the Public Transport Commission of NSW invited proposals for the redevelopment and modernisation of Central Railway Station. The closing date for submission of proposals was 7 September 1977. On the following day the general manager of the Property Branch of the Commission, A T Clutton, submitted a report on the proposals for consideration by the Commission. He advised that the proposal submitted by Commuter Terminals Pty Ltd was the preferred of only two proposals which in any way approached the requirements of the Commission. On 12 September 1977 the Commission decided to deal exclusively with Commuter Terminals for a period of 12 months with a view to negotiating a firm lease, subject to satisfactory evidence being produced that funds were available for its proposal. (TI/0372)

On 25 October 1977, the Premier of NSW, the Hon. N.K. Wran, Q.C., M.P., wrote to the Minister for Transport, Mr Peter Cox, stating that he was in agreement with the desirability of proceeding with plans to modernise and redevelop Central Station. In the letter he suggested that any public announcement not refer to the identity of the potential developer. Mr Wran agreed also with the proposal by Mr Cox that the project be considered by a committee of officers representing the Public Transport Commission, the Ministry of Transport, the Premier's Department and the Treasury. He also said that he preferred to wait until the committee had the opportunity of making recommendations before negotiations with Commuter Terminals commenced. (TI/0372 Folio 7)

The interdepartmental committee had several meetings in 1978. On 18 August 1978 the Minister for Transport advised the Premier that the interdepartmental committee recommended that the Commission be authorised to pursue the matter further with Commuter Terminals to establish the full extent of the company's proposals. On 31 August 1978 the Premier agreed with this recommendation.

On 13 September 1978 Clutton wrote to Messrs Warwick A J Colbron, Hutchinson and Company, the solicitors who had submitted the proposal on behalf of Commuter Terminals Pty Ltd, advising that authority had been given to pursue the matter further with the company. Contact between Clutton and Colbron is recorded in the diaries of Clutton obtained by the Nugan Hand Royal Commission (#009547). In 1979 and 1980 discussion continued with Commuter Terminals Pty Ltd, but in the meantime the interdepartmental committee had resolved that the Public Transport Commission should undertake a modified program of refurbishment. On 18 September 1980 the State Rail Authority wrote to Messrs Warwick A J Colbron, Hutchinson and Co to inform them that it had been decided that the Authority itself would undertake a program of restoration at the station. In the end result, Commuter Terminals Pty Ltd received no contract for any part of the work eventually carried out. The proposal of Commuter Terminals Pty Ltd disclosed that it was merely a corporate vehicle to unify a group comprising John Andrews International Pty Ltd, A W Edwards Pty Ltd and Warwick A J Colbron, Hutchinson and Company. (TI/0372 Folio 52)

When giving evidence Egge told the Commission that he recalled this matter because it was discussed in the conversations contained in the transcripts of Ryan's intercepted telephone conversations. He said:

there was no announcement of anybody getting the contract but Abe rang up and said to Morgan Ryan that he would like the contract to remodel Central Railway Station. Apparently tenders were being called for the remodelling of Central Railways Station and Morgan Ryan got in contact with Mr Justice Lionel Murphy and arrangements were made for Abe Saffron to get the contract ... Morgan Ryan contacted - after receiving the phone call from Abe Saffron he contacted Mr Justice Lionel Murphy and Mr Murphy said "leave it to me" and I am not sure whether it was a short time or a week later or a day later or when that Mr Murphy rang back and said that the contract would go to Abe Saffron. (E.858)

Egge stated that he was confident that the particular incident could be corroborated by other police who had had access to the tapes or transcripts. A number of police witnesses who had been involved in the Ryan interception had already given evidence and they were not recalled in order to ascertain their particular knowledge of any such conversations. However, Sergeant R I Treharne, who gave evidence after Egge, said that he recalled similar conversations which he had heard at the time on tape recordings of Ryan's intercepted telephone conversations. Although Treharne had made no reference to the matter in his statements, when asked while giving evidence whether he remembered any conversation conducted on Ryan's telephone concerning a contract for the renovation of Central Railway Station, he said:

Similarly, there was a matter of discussion between some close associates of Ryan including Saffron and I believe there was an intention by Ryan to speak to somebody to persuade the Premier to assist in that regard, and I think it was a redevelopment of the Central railway site and they wanted to gain control of the leasing. (E.1012)

Treharne said that his recollection of the outcome of the conversations was that they were not successful, although he could not be sure of that. When asked whether he could recall any other subject being discussed on Ryan's telephone, which had not appeared in the material which had been shown to him, Treharne said:

Only my recollection of him talking in general terms to Mr Justice Murphy and either asking him to inquire through his contact with the Premier of a particular item, or that Morgan Ryan would bump into the Premier at the races and perhaps talk to him, but I have no recollection of what the actual matter was (E.1012)

In Volume TIC, the summaries prepared by Sergeant B R McVicar, at page 180 in an entry noted as being from a tape of 31 March 1980 the following appears:

Morgan rings Eric Jury ... Morgan will be seeing 'Nifty' in a week (Nev Wran) talk about Nifty having a son which they did not know about. Talk about the big Central Complex and a solicitor doing the submission, Solicitor's name is Colbron, Morgan will help to get it through for a fee. Talks about Sir Peter Able trying to get in on the act. Worth reading in full see page (1) tape 95. (T1C/180/42)

In an entry said to be from a tape of 3 April 1980 in the same material the subject seems to be mentioned again:

Lional Murphy rings Morgan. They talk about the new Central Railway Complex, Lional is very guarded with his talk and during the talk Commuter Terminal Pty Ltd is mentioned together with the word champagne. Worth reading in full (page 2) tape 98. (T1C/182/66)

An entry for 5 April 1980 records 'Eric Jory rings Morgan Ryan and they discuss in length the new Central Railway Complex. Also the company involved'. (T1C/183/50)

In the entries for the following two days, references are made to conversations between Ryan and Jury which may relate to the same subject. In an entry for 6 April 1980 the following appears:

Morgan rings Eric Jury. Discuss meeting between Morgan and Wran at the races and his warm reception. Further that Wran might see Morgan again at the races. Talk about some business deal that "Abe" will have to say in the background complain about Abe being a slow payer. They agree Wran is not a crook, not game, Wran worked out a deal with Murdock for his support. (T1C/183/73)

In an entry for 7 April 1980, the following appears:

In from Eric Jury to Morgan, race talk, Morgan met Wran at the races and he is now overseas. Eric wants Morgan to get onto Wran about the inquiries to which Morgan replied that everything was all right. (T1C/184/14)

Again in an entry for 8 April 1980 the matter could have been the subject of discussion between Ryan and Jury, in that the entry is in the following terms:

Into Morgan from Eric Jory, they talk about Morgan getting into Nifty Nev (Wran) about the contract. It's suggested that Nifty drop the matter if their mob does not get the contract. (T1C/185/12)

There do not appear to be any further references in the material to conversations concerning this matter.

It should be noted that the Royal Commission expressed reservations concerning the reliability of the McVicar summaries (Volume One paragraph 14.72; Volume Two paragraphs 2.60, 2.84, 2.105, 2.267) and the evidence of Egge (Volume Two paragraph 2.83). The Commission, in general, was not convinced that any of the transcript material in its possession was wholly accurate (see Volume One paragraphs 14.68-14.71).

Documents obtained by the Royal Commission from the State Rail Authority are available for inspection.

Item 4, Milton Morris

This matter is referred to in Volume Two of the Royal Commission Report at paragraphs 2.78 to 2.94. The source material is referred to in endnotes 89 to 108. Material which has not previously been provided to the Parliamentary Commission is available for inspection.

Item 5, Wadim Jegerow

This matter is referred to in Volume Two of the Royal Commission Report at paragraphs 2.72 to 2.77. The source material referred to in endnotes 81 to 88 has been furnished to the Parliamentary Commission.

Item 6, Lewington/Jones

This matter is referred to in Volume Two of the Royal Commission Report at paragraphs 2.296 to 2.303. The source material is referred to in endnotes 342 to 345. Material which has not been furnished to the Parliamentary Commission is available for inspection.

Item 7, D.W. Thomas

This matter arises from the statement and evidence of D.W. Thomas. It was not further investigated by the Royal Commission as it had little to do with the subject of the Royal Commission's inquiry and because of the considerations mentioned in the Commission's report at paragraph 2.43 of Volume Two. A copy of the statement and evidence of Thomas has been provided to the Parliamentary Commission.

Your Ref: MD86/3954

Mr E Carr
Attorney-General's Department
Robert Garran Offices
BARTON ACT. 2600

MR JUSTICE L K MURPHY

I acknowledge receipt of your letter to Mr Fergus Thomson,
Secretary of the Commission, dated 7 July 1986.

I attach herewith receipt for the Attorney-General's Department
files which were attached to your said letter.

I thank you for your assistance.

D N Durack
Instructing Solicitor

11 July 1986



RECEIVED - JUL 1986

ATTORNEY-GENERAL'S DEPARTMENT

TEL 71 9111

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

PLEASE QUOTE: MD86/9354
YOUR REF:

7 July 1986

Parliamentary Commission of Inquiry
G.P.O. Box 5218
SYDNEY, N.S.W. 2001


Attention: Mr. Fergus Thomson

Please find attached, as requested, the following Attorney-General's Department Central Office files:

MQ84/10943
EX84/10894
M 84/2327 & Mr Menzies Interview Notes (Red Book)
LT85/7804
SA84/13165
M 84/11984
M 85/16446
74/7034
M 84/11386
M 84/4436

2. It would be appreciated if these files could be returned to the Department when they are no longer needed.

3. It would also be appreciated if you could endorse the copy of this letter as acknowledgement of receipt of the files and return it to me.


(E. Carr)
for Secretary

Mr Ross

Pls BIF

Mr Mack

10/7

on return

*7.1.
8/7*

Johnsen

*DD acknowledged
receipt 10/7/86*



GREEN

ATTORNEY-GENERAL'S DEPARTMENT

TEL 71 9111

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

PLEASE QUOTE: MD86/9354
YOUR REF:

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(E. Carr)
for Secretary

Kenn Bente
Lay 719438

4/7/86

Fergus

the matters I would appreciate
being raised in Canberra are:

(1) location of file 74/~~55~~ 5294.
Re Sala - we have a photocopy
obtained from DPP but
would like to see
original.

John
Lay
re other
Files

(11) also DPP has indicated
that they obtained a file
from P Brazil before 2nd
trial - Immigration Lib.

- we would like to know
if that file is one

9.30 Can ASIS - Sport of the 2 Immigration
files obtained from DPP:

10 am Department

ANSW

1.15 pm

To DPP
April
Sydney

74/60762 - SALA
N 74/64348 - SALA

Thanks

AUSTRALIA
ATTORNEY - GENERAL'S DEPARTMENT
DIRECTOR OF LEGAL SERVICES
NEW SOUTH WALES

SUBJECT: THE QUEEN v. LIONEL KEITH MURPHY:
SUBPOENA FOR PRODUCTION

SL85/102848/1/988

OUR REFERENCE

YOUR REFERENCE

Secretary,
Attorney-General's Department,
1st Floor,
Robert Garran Offices,
National Circuit,
BARTON A.C.T.

20/6 13/6/85
ATTENTION:- Mr. Ted Carr - Officer in Charge, Registry

I refer to the telephone conversation between yourself and Miss Brady of my office.

2. I enclose the six files which were produced on Subpoena to the Supreme Court of New South Wales in the abovementioned matter. Details of those files are as follows:-

- ✓74/B/395 Hatcher v. Governor of Queensland and Weiss. **R.T. LEGAL AID.**
- ✓74/5294 Representations to Attorney-General by Morgan Ryan & Brock, re request release and deportation of Ramon Sala.
- ✓74/7034 Representations to Attorney-General by Morgan Ryan & Brock, re police injustice on Abe Saffron.
- ✓74/5801 Representations to Attorney-General by Morgan Ryan & Brock, re G.J. Chappel, charge of larceny, Katherine, Court of Petty Sessions.
- ✓74/8369 Representations to Attorney-General by Morgan Ryan & Brock re deportation of Lasic, Subjack, Juricic.
- ✓73/2604 Representations to Attorney-General by Morgan Ryan & Brock re Michael George Winfield. **RTA AUST ARCHIVES**

3. As discussed, kindly telephone Miss Brady on the receipt of these files.

AUSTRALIAN GOVERNMENT SOLICITOR

Per:

12 June 1986

Action Officer: L. Brady
Designation: Legal Officer
Telephone: (02) 237 7594



in Q - 82 - 4436 Ser Q - Archer -
Return of Passport to Sala.

in 82 - 11388 Reps by Button Minister for Trade & Commerce
re handling of Paulley Qs

in 82 11984 Reps by Peter Wiebe + Co Solic
on beh. of A. G. Saffron re Sala.

SA 82 - 13165 Haff R Q by Steele Hall
re connections between R. Sala + A Saffron
on 24 Aug 82

in 82 - 10943 Ser Q Ser. Chapp summary of
A Saffron.

EX 82 - 10984 Saffron: Alleges by Nat Tins
re custom, procedures involving same etc



74/7034 Repts to A-G by
Morgan Ryan & Brook
re Saffron

M/85-16446 Ramon Sala -
Inquiry on behalf of
A-G re departure from
Aust. in 1974

M/84-2327 Ramon Sala - Inquiry re
circumstances surrounding
departure from Aust in
1974

Shuman -> DPP AFP file -> DPP 6378/87, NCI/S3,
9 Apr 86 CIN/S/13 Pgs 1+2
74/2749

64368
P. Brown going ~~from~~ on 17 Feb 1987
Went to DPP 9/4/86 from Tom Shuman

Roseman + M. M. Brown
Wash + LSD

Autonomous & Gene Syder N 5574/69176 Sala: Roman L. H. L.
74/15219 Sala, Roman L. H. L.
Sala, Roman L. H. L.
Drug Prosecution

→ Mr. ROSS
Please on CI please 75

Kenneth Bonte
Lay 719438

4/7/86

FERGUS

the matters I would appreciate
being raised in Canberra are:

Precedent +
the other
DD.

(1) location of file 74/5294
re Sara - we have a photocopy
obtained from DPP but
would like to see
original.

Joan
Lett
re other
Files

(2) also DPP has indicated
that they obtained a file
from P Brazil before 2nd
trial - Immigration Lib.
- we would like to know
if that file is one

9.30 Can Ross report of the 2 Immigration
files obtained from DPP:
10 am Department

ANSW

1- 15 pm

To DPP
April
Sydney

74/60762 - SALA
N 74/64348 - SALA

Thanks

Shenan -> DPP
9 Apr 86

APD file -> DPP

6378/87, MCI/S3;
CIN/S/13 PPS 1+2
74/2749

64368
P. Brazier going for on 17 Feb 1987
Went to DPP 9/4/86 from Tom Stoman

Prosecution Manager Express
Hatch + LSD

Autopsy & Exam by Dr N SS 74/69176 Sala: Ramon L. H. L.
74/15219 Sala, Ramon L. H. L.
Sala, Ramon L. H. L.
Drug Prosecution

22
[illegible]

[Faint, mostly illegible handwritten notes and signatures]



in Q - 821-4436 Gen Q - Archer -
Return of Passport to Sala.

in 821-11388 Reps by Butler Minister for Home Affairs
re handling of Pauline Q. Q.

in 821 11988 Reps by Peter Wine + Co Solic
on beh. of A. G. Saffron re Sala.

SA 821-13165 Haff R Q by Steele Hall
re connections between R. Sala + A Saffron
on 24 Aug 82

in 821-10943 Gen Q Gen. Chapp surveillance of
A Saffron.

EX 821-10984 Saffron: Alleges by Nat Times
re current procedures involving same AT?

2



74/7034 Repts to A-G by
Morgan Ryan & Brook
re Saffron

M/85-16446 Ramon Sala -
Inquiry on behalf of
A-G re departure from
Aust. in 1974

M/84-2327 Ramon Sala - Inquiry re
circumstances surrounding
departure from Aust in
1974

1

RECEIVED - 3 JUL 1986

Stephen Charles, QC
Murphy Inquiry
8th Floor
99 Elizabeth Street
SYDNEY 2000

Please find attached as promised extracts from book by Narcotics Bureau Officer making a number of strong allegations about interference by Murphy.

Secondly, a David Fletcher of [REDACTED]

Phone Number: [REDACTED]; knows a Aroha Bird who has written an account of her employment by Lionel Murphy. She was introduced by Morgan Ryan and knows of the Murphy relationship with Saffron and Biruta Hagenfelds.

Mr Durack *GD 3/7*
To see please
7:1.

"Operation Comet"

In December 1972 a Labor Government came to power. Those of us in federal law enforcement saw more than a little cause for apprehension.

What would happen to our powers of arrest under the Customs Act? How long would we be able to keep the search warrants on issue? What instructions would we be given about detaining and questioning suspects? Would marihuana be legalised?

I was suddenly taking a much keener interest in politics and politicians. When I was a policeman I couldn't have cared less about politics; the job went on regardless. In a job where matters follow a well-established pattern and there are thousands of officers, one is insulated from politics. Not so in the federal service. There were very few of us and we were affected every time a parliamentarian raised a question about drugs in the House. It would mean a mad rush for statistics or reports. A house search in an M.P.'s electorate often prompted questions. A visiting diplomat or foreign official inconvenienced by a Customs officer at an airport often led to questions being asked. On and on it went.

It was of little comfort to us to hear that Senator Lionel Murphy had been appointed as our Minister. Though he was also made Attorney-General, he was a Queen's Counsel and we associated him with "the defence", which implied opposition. His famous raid on A.S.I.O. made us even more uneasy.

The first thing to worry us was a call for a report from the Bureau detailing all heroin-related inquiries we were pursuing. All Regional Commanders had to send reports to Canberra at once. The Director was to estimate the amount of heroin entering Australia. By his decisive request, Murphy let us know where our priorities were to lie.

The Southern Region was able to enumerate a number of heroin investigations in train, but none of them was major. In the Northern Region things were different. Even in early 1973 the Sydney office was overwhelmingly committed to heroin inquiries. The list supplied by Ray Phillips, its head, was very long.

Murphy's next directive was to ask Regional Commanders to send all listening devices from their regions back to Canberra.

That wasn't difficult for me; I had only two which I had inherited from Jim Keating. Neither was sophisticated, and I wasn't even sure that they worked. But I returned them reluctantly and read the request as a bad sign. We had only a few old devices which the average private eye would be ashamed to call his own. Now we were barred from using them at all. The instructions were that if we needed to use a "bug" Alan Carmody had to approve its use. It would then be sent down from Canberra. Not much help when it was urgently needed. Instructions like that at a time when the drug traffickers were becoming well organised! Instead of upgrading our efficiency, and taking off the gloves, we were stepping backwards. We might soon become toothless tigers.

If Carmody had been reluctant to go to Chipp on some issues, he was even more reluctant to go to Murphy on them, though for different reasons. Murphy was able to sum up situations and to get directly to the point. He unnerved his senior staff by asking pointed and unexpected questions. They became nervous about approaching him. He didn't like being asked to approve the expenditure of money on an investigation whose results were so uncertain. As I have explained, a request to "show" or spend money had to go to the Minister when it involved over \$2000. Before Senator Murphy would pass such sums he wanted a guarantee of results and we couldn't always give guarantees. To us, money was an investigative tool.

To complicate matters further, we learnt that Murphy had a distaste for paying people for information. This fact became known as we were completing an exercise we had christened "Operation Comet".

Getting back to Senator Murphy, between February 1973 and April 1975 there were several occasions when he instructed us to desist from prosecutions. These instructions came down after he had been approached by defence lawyers he had known during his days at the Bar. There was nothing dishonest about this. As Attorney-General he was the top law officer in the country, and if a defence lawyer could convince him that a prosecution shouldn't proceed because it involved excessive hardship, or was too trivial, or the facts didn't support the prospect of a conviction, he could quite properly order a withdrawal.

Murphy issued these instructions without consulting the staff of the Commonwealth Crown Solicitor. In my opinion he was doing the very thing for which I had criticised the Deputy Crown Solicitor's staff in South Australia. He usurped the functions of the courts.

We had little respect for him. We didn't think he would stick with us in all circumstances, if things went wrong and criticism of the Bureau affected him politically, he might well turn his back on us. We couldn't forget his raid on A.S.I.O. As Minister for Customs and Excise he sometimes showed more interest in bird exporters than in drug importers.

NARC!

Inside the Australian Bureau of Narcotics

Bernard Delaney
the Bureau's former Southern Regional Commander

ANGUS & ROBERTSON PUBLISHERS

1979.



Telegrams 'IMMIGRATION' Canberra
Telephone 641111
Telex 62037
P.O. Box 25
Belconnen, A.C.T. 2618

Department of Immigration
and Ethnic Affairs

Benjamin Offices
Chen St
Belconnen, A.C.T. 2617

Our Ref: 0077

Your Ref:

Director of Public Prosecutions
GPO Box 4413
SYDNEY NSW 2000

Attention: Mr Brian Rowe

This is to confirm my today's telephone advice authorizing
the release of DISEA files 74/60762 and N74/64348 to
Mr D. Durack, Parliamentary Commission of Inquiry.

I have copied this advice to Mr Durack.



JOHN MABONEY
for Secretary

6 July 1986

Mr Durack

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

The Honourable Mr Justice D G Stewart
Chairman
National Crime Authority
453-463 Kent Street
SYDNEY NSW 2000

Approved.
S.L.
30.6.86

Dear Judge

PARLIAMENTARY COMMISSION OF INQUIRY

Further to my letter dated 5.6.86 I enclose a notice in writing pursuant to S13(1)(a) of the Parliamentary Commission of Inquiry Act 1986 (the Act) requiring the Authority to produce certain documents and materials to the Commission.

In addition I should be pleased if you would kindly make available to the Commission, in accordance with S13(3) of the Act, documents or materials (other than documents or materials the subject of the enclosed notice) being all documents or materials held by your Authority which may be relevant to or touch upon the Commission's Inquiry into the conduct of the Honourable Lionel Keith Murphy.

Yours sincerely

G H Lush
Presiding Member

PARLIAMENTARY COMMISSION OF INQUIRY

Notice pursuant to S13(1)(a) of the
Parliamentary Commission of Inquiry Act 1986

To: The Honourable Mr Justice D G Stewart
Chairman
National Crime Authority

The Parliamentary Commission of Inquiry (the Commission) hereby requires the National Crime Authority (the Authority) to produce to the Commission documents and other materials in the possession of the Authority relating to the inquiry conducted by the Honourable Donald Gerard Stewart under Letters Patent issued on 25 June 1981, as varied by Letters Patent issued on 28 March 1983 and 29 March 1985, including documents or materials delivered by the Honourable Donald Gerard Stewart to the Authority upon the termination of that inquiry. Specifically the Commission requires the production of documents and materials required by this section to be produced which relate to or touch upon or are relevant to the inquiry by the Commission into the conduct of the Honourable Lionel Keith Murphy.

G H Lush
Presiding Member

Mr D. M. Lenihan
Chief Executive Officer
National Crime Authority
453-463 Kent Street
SYDNEY NSW 2000.

Dear Mr Lenihan,

Re: Mr Justice L. K. Murphy

I refer to letter of Sir George Lush, Presiding Member of the Parliamentary Commission of Inquiry (the Commission) to His Honour Mr Justice Stewart dated 30 June 1986 and the attached notice pursuant to S.13(1)(a) of the Parliamentary Commission of Inquiry Act 1986.

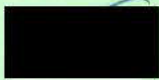
I also refer to your letter of 11 June 1986 to Mr D. Smeaton, an officer of the Commission. Attached to your letter was a list of documents etc. provided by the Authority to the Commission following an inspection of material prepared by Ms Kay Ransome on 10 June 1986.

The material provided referred to above has been of great assistance to the Commission but as only certain pages of the transcript of evidence before the Royal Commission and certain pages of statements and supplementary statements were provided it has not been possible to form a concluded view of the material at this stage.

I would, therefore, appreciate it if all transcript of proceedings of the Royal Commission of Inquiry into Alleged Telephone Interceptions and all statements and supplementary statements could be provided to the Commission as soon as possible. I note that any of this material considered to be of no significance to the Commission will be returned as soon as that appraisal has been completed.

I thank you for your co-operation in this matter.

Yours sincerely,


J. F. Thomson
Secretary

4 July 1986

Note spoke:
Mr Lenihan 2657236
OK to provide
copies of it
Peruse + identify
then copies.
Stewart J. says
also some other
material relevant
that we can
see.
About a day's
work. in
reading. *Before Mr. Wemyss and Mr. ...* *7.17*

30 June 1986

The Honourable Mr Justice D G Stewart
Chairman
National Crime Authority
453-463 Kent Street
SYDNEY NSW 2000

Dear Judge

PARLIAMENTARY COMMISSION OF INQUIRY

Further to my letter dated 5.6.86 I enclose a notice in writing pursuant to S13(1)(a) of the Parliamentary Commission of Inquiry Act 1986 (the Act) requiring the Authority to produce certain documents and materials to the Commission.

In addition I should be pleased if you would kindly make available to the Commission, in accordance with S13(3) of the Act, documents or materials (other than documents or materials the subject of the enclosed notice) being all documents or materials held by your Authority which may be relevant to or touch upon the Commission's Inquiry into the conduct of the Honourable Lionel Keith Murphy.

Yours sincerely

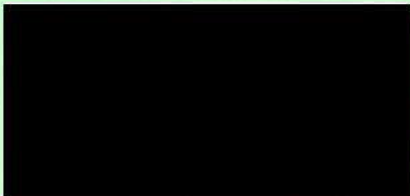


G H Lush
Presiding Member

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G H Lush
Presiding Member

30 June 1986

RECEIPT FOR MATERIAL

I, DAVID DURACK, Principal Legal Officer attached to the Parliamentary Committee of Inquiry hereby acknowledge receipt of the following material from the Director of Public Prosecutions Sydney office:

1. FILES HELD BY DIRECTOR OF PUBLIC PROSECUTIONS, SYDNEY BELONGING TO OTHER DEPARTMENTS

1. Commonwealth Police Force

- | | |
|-----------------------|-------------------------------------|
| a) 74/2749 | - Nelson, Jill |
| b) CIN/5/13 | - Sala, Ramon |
| | - Parts 1 + 2 and one unmarked file |
| c) N79/79 | - Green, Ian |
| d) N75/268 | - Felton, Alan |

NOT AVAILABLE
3/7
with A. WELLS.

2. Australian Federal Police

- | | |
|---------|---------------|
| 6378/81 | - Sala, Ramon |
|---------|---------------|

3. Immigration

- | | |
|-------------------|---------------------------|
| a) Central Office | - 74/60762 - Sala, Ramon |
| b) Sydney Office | - N74/64348 - Sala, Ramon |

4. Customs & Excise

- | | |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| a) NSS74/69176 | - Sala, Ramon |
| b) 74/1521 | - Sala, Ramon |
| c) 75/15124 | - Ministerial Representations on behalf
of Abraham Gilbert Saffron re.
Treatment received on Arrival and
Departure from Australia. |

2. FOLDERS BELONGING TO AUSTRALIAN FEDERAL POLICE

Australian Federal Police Files
(Relevant)

- | | | |
|-----|---------------------|------------------------------------------------------------|
| 1. | Anderson, James: | Notes and summaries. |
| 2. | Bird/McMahon: | Largely duplicates material in category 1(d). |
| 3. | Briese: | Age Tape extracts. |
| 4. | Casinos: | Age Tapes extracts. |
| 5. | Central Railway: | Age Tape extracts - one Murphy call. |
| 6. | Christie, Terry: | Extract from Age Tapes - one Murphy call. |
| 7. | Davies, J.D.: | Statements - largely duplicates material in category 1(g). |
| 8. | Gannell, Francis: | Statement. |
| 9. | Groux, Rodney: | Copies of statement and original. |
| 10. | Hagenfelds, Berita: | Summaries and Age Tape extracts. |
| 11. | Hameiri, Danny: | Summary and Age Tape extracts. |
| 12. | Halpin, David: | Draft Statement. |
| 13. | Jegerow, Bill: | Summary and Age Tape extracts: Murphy phone calls. |
| 14. | Miltie: | File Note of conversation re. Murphy. |

15. Morris, Milton: Age Tape extracts: one Murphy call.
 16. Murphy, Chris: Summary and Age Tape extracts: one Murphy call.
 17. Murphy, LK: Age Tape extracts.
 18. Press: Press Clippings (1984).
 19. Property: Summaries and searches re. Ryan, Murphy, Miles property.
 20. Ryan, Morgan: Summary and Age Tape extracts, Corporate Affairs Commission records, Diary extracts.
 21. Sala, Ramon: Menzies Report and Internal AFP memoranda.
 22. Saffron, Abraham: Age Tape extracts, Hong Kong Immigration cards, Murphy marriage certificate, Saffron movements.
 23. Sankey, Danny: Summary of Loans Affair prosecution and Age Tape extracts.
 24. Taylor, W.: Notes of conversations with Wells.
 25. Travel Movements: Overseas Travel movements for Murphy, Ryan and Miles.
 26. West: Draft Statements - same as material in category 1(+).
-
27. Wood, Merv: Summary and Age Tape extract - no Murphy relevance.

28. Wran, Neville: Age Tape extracts.
29. Yuen, Robert: Report.

Australian Federal Police Files
(Marginally Relevant)

1. Aitkin, Bruce: Relates to Cessna and Ryan not Murphy.
2. Alcorn, Ian: Just telephone numbers.
3. Alexander, Brian: No Murphy connection.
4. Angler's Club: No Murphy connection.
5. Aquatic Club: No Murphy connection.
6. Bogan, Vic: No Murphy connection.
7. Borgia, Jeff: No Murphy connection.
8. Boyds: Transcript references from Age Tapes:
no apparent Murphy connection.
9. Boyle: Statement re. Sala - no Murphy
connection.
10. [REDACTED] ~~AFP files.~~ *NOT AVAILABLE
with A WELLS*
11. Carroll: No Murphy connection.
12. Cessna - Milner: Summary of Affair - no Murphy
connection.
13. Cody, Geoff: Extract from Age Tapes - no Murphy
connection.

- | | |
|-----------------------|---------------------------------------------------------|
| 14. Degen, Roger: | Extract from Age Tapes - no Murphy connection. |
| 15. Dominic/Doncas: | Extract from Age Tapes - no Murphy connection. |
| 16. Ducker, John: | Summaries and Age Tape extracts - no Murphy connection. |
| 17. Edwards, Reg: | Extracts from Age Tapes - no Murphy connection. |
| 18. England, Bob: | Extracts from Age Tapes - no Murphy connection. |
| 19. Enwright, Erica: | Travel movements only. |
| 20. Farquhar, Murray: | Extracts from Age Tapes - no Murphy connection. |
| 21. Farrugia, Peter: | Extracts from Age Tapes - no Murphy connection. |
| 22. Fifer, Gary: | Summary - no Murphy connection. |
| 23. Goss, Ronald: | Summary and Age Tape extract - no Murphy connection. |
| 24. Grynberg, Bob: | Age Tape extract - no Murphy connection. |
| 25. Hakim, Frank: | Summary and Age Tape extracts: no Murphy connection. |
| 26. Harris, Arthur: | Extract from Age Tapes: no Murphy connection. |
| 27. Immigration: | Extracts from age Tapes: no Murphy connection. |

- | | |
|-------------------------|---------------------------------------------------------|
| 28. Jury, Eric: | Summary and Age Tape extracts: no
Murphy connection. |
| 29. Lee, Bill: | Summary and Age Tape extracts: no
Murphy connection. |
| 30. Maher, Brian: | Age Tape extract: no Murphy connection. |
| 31. Mason, Brett: | Age Tape extract: no Murphy connection. |
| 32. Mason, Jim: | Summary and Age Tape extracts: no
Murphy connection. |
| 33. McCarthy, Peter: | Age Tape extracts: no Murphy
connection. |
| 34. Melrose: | No Murphy relevance. |
| 35. Miles: | Summary and Age Tape extracts: no
Murphy relevance. |
| 36. Mitchell, Marjorie: | Summary and Age Tape extracts: no
Murphy relevance. |
| 37. Murray, Mark: | Age Tape extracts: no Murphy relevance. |
| 38. Nugan, Frank: | Summary and Age Tape extracts: no
Murphy relevance. |
| 39. O'Rourke: | Age Tape extracts: no Murphy relevance. |
| 40. Peades: | Summary and Age Tape extracts: no
Murphy relevance. |
| <hr/> | |
| 41. Pearson, Chicka: | Age Tape extract: no Murphy relevance. |
| 42. Romano, Stephen: | Summary and Age Tape extracts: no
Murphy relevance. |

- | | |
|------------------------|---------------------------------------------------------|
| 43. Scali, Nick: | Summary and Age Tape extract - no
Murphy relevance. |
| 44. Scott, Don: | Age Tape extracts - no Murphy relevance. |
| 45. Skolnik, Norman: | Age Tape extracts - no Murphy relevance. |
| 46. SP: | Age Tape extracts - no Murphy relevance. |
| 47. Togima Leasing: | Summary - no Murphy relevance. |
| 48. Tosha: | Summary and Age Tape extract - no
Murphy relevance. |
| 49. Various Lawyers: | Summaries - no Murphy relevance. |
| 50. Wampfler, Willie: | Summary and Age Tape extracts - no
Murphy relevance. |
| 51. Waterhouses: | Summary and Age Tape extracts - no
Murphy relevance. |
| 52. Watson, Pat: | Summary and Age Tape extracts - no
Murphy relevance. |
| 53. Weinstock: | Handwritten notes - no Murphy relevance. |
| 54. Whelan, Jack: | Summary and Age Tape extracts - no
Murphy relevance. |
| 55. White, Sir Ernest: | Summary and Age Tape extract - no
Murphy relevance. |
| 56. Wickers, Reg: | Summary and Age Tape extract - no
Murphy relevance. |
-

3. 2 LEVER ARCH FOLDERS MARKED "DPP - RUSHTON: MURPHY RETRIAL"

Includes

1. Memorandum from DPP to I. Callinan QC dated 5 March 1986 re. character.
2. Draft Statement for David Halpin.
3. File Note re. Murphy residence in Canberra dated 25 March 1986.
4. File Note re. Opening of High Court dated 25 March 1986.
5. Note of Interview with Marjorie Minter.
6. First Trial Index and Summary.
7. First Trial Summaries.
8. Note of Interview with Murphy driver.
9. Note of Interview with Ross Freeman.
10. Note of Interview with Sue Weber.
11. Note of Conversation with Kate Wentworth.
12. Note of Conversation with Gary Sturgess.
13. Summary of Newspaper Articles.
14. Note of Conversation with W.C. Wentworth.
15. Note of Conversation with Kate Wentworth.
16. Note of Meeting with Gary Sturgess.
17. Note of Conversation re. Nipperville.
18. Note of Interview with Wally Lewer.
19. Submission to Royal Commissioner Woodward re. Balmain Welding Co.
20. Draft Statement.
21. Extract interview with Hagenfelds.
22. Observations to Counsel.
23. Memorandum to Counsel and attachments.
24. Memorandum to Counsel re. Age Tape Materials.
25. Copy letter from Royal Commission of Inquiry into Alleged Telephone Interceptions.
26. Transcript of Thomas evidence to Royal Commission.
27. Minute to Deputy Director dated 2 December 1985.
28. Memorandum to Brisbane office dated 6 March 1986.
29. Transcript of Bankruptcy Examination of Anderson.
30. Senate, Committal and Trial evidence of McClelland.

31. Copy letter to Financial Review dated 6 March 1986.
32. Chronology of Events.
33. Copy letter from Royal Commission into Alleged Telephone Interceptions dated 5 March 1986.
34. Copy letter to Royal Commission into Alleged Telephone Interceptions dated 25 February 1986.
35. Matters requiring attention list as at 20 February 1986.
36. Extract from Corporate Affairs Commission Records.
37. Note headed "Gillespie - Jones" dated 4 March 1986.
38. Note of meeting with Sankey.
39. Summary of Proceedings Sankey v. Whitlam & Ors.
40. File Note of meeting Temby, Thomas and Wadick on 31 July 1985.
41. Draft letter to Royal Commission into Alleged Telephone Interceptions dated 28 February 1986.
42. Copy Halpin article.
43. Document headed "Avenues of Enquiry".
44. Document headed Report - Robert Yuen.
45. Document headed Notes for Discussion.
46. Minute to Director dated February 1986 re. possible use of Age Tape.
47. Notes - Stewart and NCA.
48. Copy letter and attachments from Lionel Murphy to Senator M. Tate dated 2 July 1984.
49. Receipt for Age Tape material.

Volume 2

50. Various Corporate Affairs Commission Documents and notes.
51. Corporate Affairs Commission records. Research for Survival.
52. Corporate Affairs Commission records Snowdust Pty Ltd.

.....
DAVID DURACK

WITNESS

DATE: 3 July 1986

FACSIMILE TRANSMISSION

Department of Immigration and Ethnic Affairs

TO:

Parliamentary Commission
of Inquiry

CONTACT OFFICER: David Durack

TEL. XTH 2324922

FROM:

John Mahoney
DLEP Canberra

TITLE OF MESSAGE:

Today's telephone conversation

No. OF PAGES:

11

DATE

30/7/1986

COMMENTS:



Telegrams IMMIGRATION Canberra
Telephone 641111
Telex 62037
P.O. Box 25
Belconnen, A.C.T. 2618

Department of Immigration
and Ethnic Affairs

Benjamin Offices
Chert St
Belconnen, A.C.T. 2617

Our Ref: 0077
Your Ref:

Director of Public Prosecutions
GPO Box 4413
SYDNEY NSW 2000

Attention: Mr Brian Rowe

This is to confirm my today's telephone advice authorizing
the release of DIPA files 74/60762 and N74/64348 to
Mr D. Durack, Parliamentary Commission of Inquiry.

I have copied this advice to Mr Durack.

[REDACTED]
JOHN MAHONEY
for Secretary

6 July 1986



request for documents
15 RECEIVED 3 JUL 1986

OFFICE OF THE
SECRETARY TO THE
ATTORNEY-GENERAL'S DEPT
BARTON A.C.T. 2600

SECRET

Mr David Durack
Instructing Solicitor
Parliamentary Commission of Inquiry
GPO Box 5218
Sydney 2001

Dear Mr Durack,

In response to your letter, I forward herewith a copy of the "Howard" report. I would like to be consulted if, after having examined the report, the Commission were at a subsequent stage to wish to cite the report to persons outside the Commission.

Also I would be grateful for the return of the copy of the report when the Commission has concluded its dealings with the matters to which it relates.

Yours sincerely

[REDACTED]
P Brazil

3 July 1986

SECRET

Howard Report
returned to Pat
Brazil by D Smerten
on 28/8/86. 7

IN CONFIDENCE

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

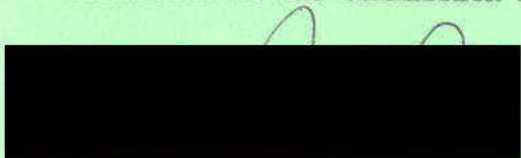
Ph : (02) 232 4922

Mr Pat Brazil
Secretary
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600

Parliamentary Commission of Inquiry - Murphy J

I refer to our discussions of today.

I would appreciate it if a copy of the "Howard Report" could be forwarded to the Commission for perusal.



D N Durack
Instructing Solicitor

20 June 1986

DPP

Sydney Office

Director of
Public Prosecutions

RECEIVED 24 JUN 1986

388 George Street
Sydney NSW 2000
GPO Box 4413
Telephone 02 226 9666
Facsimile 02 226 9684
Telex 74531-DX 1398

Your reference:

Our reference:
SG85/1178

24 June 1986

The Secretary
Parliamentary Commission of Enquiry
8th Floor
ADC House
99 Elizabeth Street
SYDNEY NSW 2000

ATTENTION: MR DAVID DURACK

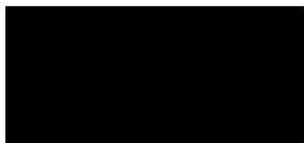
Dear Mr Durack

Please find attached a list of files held by this office that belong to other Departments. I advise that I will hold these files until you advise that you have arranged clearance of them or that you do not require them.

I should also mention that this office holds some material belonging to the Australian Federal Police which was part of the investigation conducted prior to the retrial. I do not have a file reference for this material but Chief Inspector Wells was the officer-in-charge of the investigation.

I also hold copy material provided by the Department of Transport relating to the use of Commonwealth vehicles by his Honour Mr Justice Murphy. In addition material was obtained from the Commission of Enquiry into Compensation arising from the Social Security Conspiracy Prosecutions.

Yours faithfully



BRYAN ROWE
Senior Assistant Director

✓ 1. Mr Durack (copy file)
✓ 2. file - C1

PARLIAMENTARY COMMISSION OF ENQUIRY - MURPHY, J

FILES HELD BY DIRECTOR OF PUBLIC PROSECUTIONS, SYDNEY
BELONGING TO OTHER DEPARTMENTS

1. COMMONWEALTH POLICE FORCE

- | | | |
|-----|----------|-------------------------------------|
| (a) | 74/2749 | - Nelson, Jill |
| (b) | CIN/5/13 | - Sala, Ramon |
| | | - Parts 1 + 2 and one unmarked file |
| (c) | N79/79 | - Green, Ian |
| (d) | N75/268 | - Felton, Alan |

2. AUSTRALIAN FEDERAL POLICE

- | | |
|---------|---------------|
| 6378/81 | - Sala, Ramon |
|---------|---------------|

3. IMMIGRATION

- | | | |
|-----|----------------|---------------------------|
| (a) | Central Office | - 74/60762 - Sala, Ramon |
| (b) | Sydney Office | - N74/64348 - Sala, Ramon |

4. CUSTOMS & EXCISE

- | | | |
|-----|-------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | NSS74/69176 | - Sala, Ramon |
| (b) | 74/1521 | - Sala, Ramon |
| (c) | 75/15124 | - Ministerial Representations on
behalf of Abraham Gilbert Saffron
re. Treatment received on Arrival
and Departure from Australia. |

5. INDUSTRY & COMMERCE

- (a) 84/97297 - "Allegations relating to Customs
Surveillance of Mr A G Saffron -
National Times - August 1984
Pt 1."
- (b) 84/97302 - " "
- (c) 84/97303 - " "
- Pt 2."
- Pt 3."

6. DEPUTY CROWN SOLICITOR

- (a) 74/2444/4A/44 - Olander, Michael
- (b) 74/2281/4A/42 - Sala, Ramon

7. ATTORNEY-GENERAL'S DEPARTMENT

Photocopy of file 74/5294

"Reps to AG by Morgan Ryan & Brock re. Request release and Deportation
of Ramon Sala"



RECEIVED 18 JUN 1986

C1

ATTORNEY-GENERAL'S DEPARTMENT

SECRETARY'S OFFICE

TEL: 71 9000

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

EX86/6290

17 June 1986

Mr Stephen Charles, QC
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001

Dear Stephen

Parliamentary Commission of Inquiry - Materials Obtained or
Held by the Director of Public Prosecutions

I refer to your letter dated 12 June on the above matter and to my telephone message to Mr Fergus Thompson today that the Attorney-General has given a direction to the Director of Public Prosecutions along the lines requested by you.

I now forward herewith a copy of the direction (an advance copy has already been faxed to you). A copy of the direction will be published in the Gazette as soon as practicable, and also tabled in the Parliament when it resumes for the Budget Sittings.

Yours sincerely



P. BRAZIL

✓ JPC.

COMMONWEALTH OF AUSTRALIA

DIRECTOR OF PUBLIC PROSECUTIONS ACT 1983

DIRECTION UNDER SUB-SECTION 8(1)

WHEREAS the Parliamentary Commission of Inquiry has requested me to direct the Director of Public Prosecutions to produce to the Commission all materials obtained, or held, by the Director relating to the committal proceedings and the trial and re-trial of the Honourable Mr Justice Murphy;

AND WHEREAS I have consulted with the Director of Public Prosecutions in relation to this matter;

NOW THEREFORE I, LIONEL FROST BOWEN, Attorney-General of the Commonwealth of Australia, pursuant to sub-section 8(1) of the Director of Public Prosecutions Act 1983, hereby direct the Director to produce those materials to the Commission for the purposes of the inquiry to be conducted under and in accordance with the Parliamentary Commission of Inquiry Act 1986.

Dated 13th day of June 1986.



Attorney-General

C 1

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

Senator the Hon. Douglas McClelland
President of the Senate
Parliament House
CANBERRA ACT 2600

Dear Mr President

Re: SENATE SELECT COMMITTEE ON THE CONDUCT OF A JUDGE
SENATE SELECT COMMITTEE ON ALLEGATIONS CONCERNING A JUDGE

I refer to the abovementioned Senate Inquiries and pursuant to sub-section 5(3) of the Parliamentary Commission of Inquiry Act 1986 request that all records of evidence given at, or findings made as a result of the said Inquiries be made available to the Commission.

I advise that for the purposes of the Commission it would be necessary for the said material to be brought to Sydney for examination and in that regard I suggest that one of your officers contact Mr David Durack, Solicitor Instructing Counsel Assisting the Commission, to facilitate the obtaining and movement of the documents referred to above.

Yours sincerely

G H Iush
Presiding Member

5 June 1986

FOR MR FERGUS

THOMSON

HUMAN RIGHTS

COMMISSION

(062) 434159.

3 PAGES.

PARLIAMENTARY COMMISSION OF INQUIRY

C1

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

The Honourable Mr Justice D G Stewart
Chairman
National Crime Authority
453-463 Kent Street
SYDNEY NSW 2000

Dear Judge

PARLIAMENTARY COMMISSION OF INQUIRY

I refer to section 13 of the Parliamentary Commission of Inquiry Act 1986 which is in the following terms:

13. (1) The Presiding Member may, by notice in writing given to the Chairman or Acting Chairman of the National Crime Authority, require the Authority -

- (a) to produce to the Commission documents and other materials in the possession of the Authority relating to the inquiry conducted by the Honourable Donald Gerard Stewart under Letters Patent issued on 25 June 1981, as varied by Letters Patent issued on 28 March 1983 and 29 March 1985, including documents or materials delivered by the Honourable Donald Gerard Stewart to the Authority upon the termination of that inquiry; or
- (b) to permit the Commission, or a member authorised for that purpose by the Commission and specified in the notice, together with such other persons as are specified in the notice, to have access to documents or materials referred to in paragraph (a).

(2) The National Crime Authority shall comply with a notice under sub-section (1).

(3) The National Crime Authority may make available to the Commission, at the request of the Presiding Member, documents or materials [other than documents or materials referred to in sub-section (1)], being documents or materials relevant to the matter into which the Commission is inquiring.

I would be pleased to discuss with you the facilitating of production and access to documents and other materials referred in section 13 as above and suggest that one of your officers contact Mr David Durack, Solicitor Instructing Counsel Assisting the Commission, to begin discussions in this regard prior to any formal notice being issued by the Commission.

Yours sincerely

G H Lush
Presiding Member

5 June 1986

IN CONFIDENCE



ATTORNEY-GENERAL'S DEPARTMENT

SECRETARY'S OFFICE

TEL: 71 9000

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

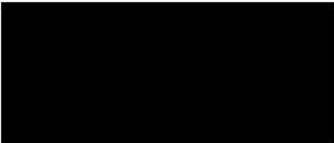
EX86/6290

18 June 1986

PD
Mr David Durack
Instructing Solicitor
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001

I refer to your letter of 10 June 1986 and forward herewith copies of the following reports:

- (a) report of Mr A Menzies, - Sala deportation matter;
- (b) report of Committee of Permanent Heads on Saffron Customs Surveillance.


P. BRAZIL

IN CONFIDENCE

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CONFIDENTIAL

REPORT ON CIRCUMSTANCES SURROUNDING DEPARTURE OF RAMON SALA FROM AUSTRALIA ON 30 MAY 1974

Attorney-General

As requested, I furnish a report on the circumstances surrounding the departure of Ramon Sala from Sydney Airport on 30 May 1974 and, in particular, whether there was any illegality or impropriety in the decision to return to Mr Sala the passport seized from him on his arrest on 28 April 1974 and to allow him to leave without serving on him a deportation order made by the Minister for Immigration on 10 May 1974 or the circumstances leading up to that decision.

Scope of Inquiry

2. For the purposes of this inquiry I have examined the relevant files of Attorney-General's Department, Department of Immigration and the Commonwealth Police Force (as it then was). I have also interviewed the following persons (whose positions at the relevant time are indicated in brackets):-

Sir Clarrie Harders (Secretary, Attorney-General's Department)
Mr F.J. Mahony (Deputy Secretary, Attorney-General's Department)
Mr A.R. Watson (Senior Assistant Secretary, Attorney-General's Department)
Mr R.J. Harkins (Legal Officer, Deputy Crown Solicitor's Office, Sydney)
Mr H. McGinness (Immigration Department)
Mr J.D. Davies (Deputy Commissioner, Commonwealth Police)
Mr R. Dixon (Inspector, Commonwealth Police)
Mr N. Headland (Inspector, 1st Class, Commonwealth Police)
Mr G.I. Brodie (Senior Constable, Commonwealth Police)
Mr T.P. Boyle (Senior Constable, Commonwealth Police)
Mr I.S. Alcorn (Constable, Commonwealth Police)
Ms A. Summers (Writer)

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3. I have also discussed with His Honour Mr Justice Stewart the circumstances concerning the receipt and return by his Royal Commission of the Commonwealth Police Force file concerning this matter. Finally, I have had the benefit of your account of your discussion with the Hon. Mr Justice Murphy as to his recollection of the relevant events. No file of the Department of Foreign Affairs is now available. I did not seek to discuss the matter with Mr Sala's solicitors, Messrs Morgan Ryan and Brock.

Events leading up to conviction of Sala

4. Ramon Sala was born in Spain in 1941. In 1973 he made two visits to Australia - both of short duration. On 14 April 1974, Sala arrived in Australia accompanied by Michele Senanes. He was granted a temporary entry permit authorising his stay for 1 month.

5. On 28 April 1974, in the course of a pre-flight security check at Sydney Airport, Sala was detected carrying \$35,950 in Australian currency and a small quantity of cannabis resin and LSD. Sala, when interviewed by Commonwealth Police officers, asserted that the money found in his possession had been given to him by a person known to him as Moon who had requested Sala to take it to Hong Kong for an unspecified purpose. The drugs, he said, were for his own personal use.

6. Sala was charged with offences against the Banking (Foreign Exchange) Regulations and several offences against the Customs Act 1901.

7. Sala was in possession of a passport purporting to be issued in Besancon, France on 28 January 1972. It showed evidence of extensive travel in Europe and Asia and the two pages relating to the identity of the holder appeared to be different from the remaining pages. The French Vice-Consul, when shown the passport, expressed doubt as to the authenticity

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of the passport and recommended further inquiries. Consequently Interpol was requested to make inquiries as to the authenticity of the passport.

8. On 9 May 1974, the Department of Immigration recommended to their Minister that he cancel Sala's temporary entry permit and make a deportation order. The reasons advanced were that Sala did not appear to be a bona fide visitor and it was desirable that the Department be in a position to enforce his departure in the event that he was not convicted or only a fine imposed. On 10 May the Minister made the orders recommended. There is no record of any involvement by any other Department in this decision. The orders were not, however, served on Sala.

9. On 14 May 1974, Sala pleaded guilty in the Court of Petty Sessions to all charges and was committed to the District Court for sentence. Senior Constable Brodie, one of the police officers handling the case, reported to his supervisor, Inspector Strickland, that the solicitors for the defendant, Messrs Bruce Miles and Ryan, had approached him during the proceedings with what he understood to be an offer to pay \$4,000 to him and his colleague, Senior Constable Boyle, to ensure that the money seized was not forfeited. Inspector Strickland concluded that evidence to support an attempted bribery charge was insufficient and no prosecution action was taken.

10. On 24 May 1974, in the District Court before Judge Leslie, Sala was convicted of one charge under the Banking (Foreign Exchange) Regulations of attempting to take Australian currency out of Australia and fined \$6,000 and ordered to forfeit \$35,950. On each of 4 charges under the Customs Act of attempting to export narcotic goods and having in his possession prohibited exports, to wit, narcotic

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goods, he was convicted and fined \$150. His solicitor in these proceedings was Mr Miles of Messrs Morgan Ryan and Brock.

11. A psychiatrist's report was included in the evidence put before the Court stating that Sala had spent time in prison in Spain for political offences and during this imprisonment he had been badly ill-treated. He had been sentenced by a Spanish Court in his absence to a further term of imprisonment for failing to perform military service.

12. Mr Harkins who was prosecuting officer in the committal proceedings has a recollection that some time between the committal and sentence one of his supervisors (which one he cannot recall) said to him that the Attorney-General wanted the matter dealt with without delay. All possible supervisors were spoken to on 22 February 1984 and none had any recollection of the incident. Mr Harkins said that it was not impossible that he had confused this incident with a message or information following Attorney-General Murphy's decision to allow Sala to leave Australia as soon as possible without deportation action.

13. In all the circumstances I am inclined to think that Mr Harkins has confused another incident with this occasion as he himself accepts to be possible, but in any event, if Senator Murphy did send such a message, no question of impropriety would appear to arise.

Events after court proceedings

14. All fines were paid. However, after conclusion of the court hearing, Sala was held in custody by the Department of Immigration under the authority of section 39 of the Migration Act as a person in respect of whom a deportation order was in force. Discussions commenced with the Spanish Embassy as to whether a limited travelling document would be provided to Sala to permit him to travel to Spain.

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15. On 27 May 1974, the then Attorney-General received a telegram from Messrs Morgan Ryan and Brock reading as follows:

"Sir Urgent Attention please direct immediate release and deportation of Ramon Sala held in Long Bay Gaol fines having been paid and the Courts orders of the 24/5/74 otherwise fulfilled."

16. The records of Attorney-General's Department as to the handling of this application are somewhat limited. However, the telegram reached the Department on 28 May 1974 and according to the manuscript notes on the file made by Mr A.R. Watson, then Senior Assistant Secretary, Criminal Law Branch, the Attorney-General, Senator Murphy, as he then was, gave a direction to Mr Mahony, Deputy Secretary of the Department, that Sala's passport was to be returned to him and he was to be deported forthwith. The Attorney-General had apparently expressed the view that Sala was not to be held any longer and he should have gone already. He was to spend no more time in gaol. According to Mr Watson's note, Mr Mahony agreed with the decision. Mr Mahony however, has no recollection of the matter.

17. Mr Watson then made inquiries from interested departments. He found that the Department of Immigration was opposed to the return of Sala's passport on the grounds that there were serious doubts as to its validity and the French Government could be extremely concerned if a possible false French passport were returned to Sala. Officers of the Commonwealth Police, when consulted, also expressed opposition to return of the passport on the basis that they doubted its validity and were making overseas inquiries. The Department of Foreign Affairs, however, according to the record kept by Attorney-General's Department, saw no difficulties arising from the proposed return of the passport to Mr Sala.

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18. On 29 May, Mr Watson discussed the case with Senator Murphy. Mr Watson's present recollection of this discussion is somewhat limited. However, he recalls that he said to Senator Murphy that the police strongly opposed the return of the passport to Sala on the grounds that it was probably a fraudulent document and he supported this attitude. He did not make a written submission.

19. Mr Watson recalls that Senator Murphy said that Sala had already been in gaol for 2 days after the court hearing had concluded and that he should be released and allowed to leave Australia forthwith. Mr Watson cannot recall any further discussion of the case although he remembers the discussion as being very short. He cannot recall discussion of the suggestion that Sala was a political refugee but does not exclude the possibility of this being mentioned. It may be noted that there must have been representations by the solicitors additional to the telegram of 27 May because that telegram did not refer to the return of the passport which was a significant feature of the ultimate decision.

20. Mr Justice Murphy's present recollection of the basis for his decision, as conveyed to you, was that the essential consideration was that Sala had been dealt with by the Court and, although no order for imprisonment had been made, he was still in gaol. No charge was outstanding in respect of the passport although the Police had had custody of it for 6 weeks. Sala wanted to leave the country and there was no justification for holding him further in gaol. Mr Justice Murphy could not be certain that the suggestion that Sala was a political refugee had been a consideration in his decision but the reference to this had struck a chord in his memory.

21. While the recollections of Mr Justice Murphy and Mr Watson are not identical, there is no significant inconsistency between them. Mr Watson adds that Senator Murphy's attitude to the case was consistent with that he

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had displayed in a number of other cases, namely a strong concern that a person should not be kept in prison for any longer than was absolutely necessary. Consistently with this attitude, he had disagreed with Mr Watson's recommendation on a previous occasion to refuse remissions to Federal prisoners for the 1973 Royal Visit. This is the only time a Federal Attorney-General has approved a general Royal Visit remission. Mr Watson's attitude to the decision now in question was that, while he disagreed with it, he recognised that it was within the Attorney-General's discretion and he saw no impropriety in it.

22. It may be noted at this point that there was another consideration in favour of allowing Sala to depart using the passport in his possession on arrest, namely, it obviated the need to obtain the Spanish Embassy's agreement to issuing a restricted travel document permitting Sala's return to Spain. It was this consideration that led to Mr McGinness of the Department of Immigration to say to me on 21 February 1984 that the end result was good from the point of view of his Department.

23. Following his discussion with Senator Murphy, Mr Watson wrote to the Department of Immigration notifying Senator Murphy's decision to return Sala's passport to him and to permit him to depart without deportation. The letter records the Attorney-General's view that Sala had already been unnecessarily detained for 2 nights and he should not be kept in custody any longer.

24. Copies of this letter were sent to other interested Departments. A teleprinter message to the same effect was also sent to the Commonwealth Police, officers of which had indicated that they would require a direction in writing to return Sala's passport.

25. In the result Sala was escorted to a plane by Commonwealth Police officers on 30 May 1974 and his passport was returned to him as he departed.

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26. On 6 June 1974 a report was received by the Commonwealth Police from Interpol to the effect that the passport in Sala's possession belonged to a French woman from whom it had been stolen in India.

Events Subsequent to Sala's departure from Australia

Dixon Report

27. On 18 June 1974, Inspector Dixon submitted a report to the Commissioner of Commonwealth Police concluding that there had been "some interference in normal proceedings for handling these matters; allied with information relating to bribery I consider it necessary to make further inquiries to obtain information on several aspects, but in particular as to what information or advice was given to the Attorney about the Sala matter and by whom. Secondly, the circumstances surrounding the issue of his deportation order; the consequent view that it precluded action on the false passport issue (section 27(1)(c) of the Migration Act) and the subsequent non-service of that deportation order." Inspector Dixon expressed a wish to interview a number of persons including the Attorney-General and Mr Watson as well as Messrs Morgan Ryan and Miles.

Davis, Harders, Mahony conference

28. On 25 June 1974, according to a note on the Commonwealth Police file, Commissioner Davis (now deceased) saw Messrs Harders and Mahony regarding the Sala matter. Copies of police reports including the report of Inspector Dixon referred to were given to Messrs Harders and Mahony. According to Mr Davis' file note of the discussion, an officer was going through Mr Dixon's report to get specific matters straight, to see if anything could be investigated or if there was any matter that might warrant consideration of prosecution. If any such investigation were to take place, Mr Davis thought it was a matter for ordinary criminal investigation and Messrs Harders and Mahony agreed with this.

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29. At this conference Mr Harders said that the Attorney-General had phoned him from Hong Kong where the Attorney-General had received a call from Dr Cairns who had said that two Melbourne lawyers, one named Phillips and one unnamed, had informed him that a story was abroad that there were some peculiar features in the handling of the Sala case.

30. Mr Harders' only present recollection of the matter was the reference to the Attorney-General's phone call from Hong Kong. Mr Mahony had no recollection of the interview. However, Mr Davis' note of the discussion, the Police reports and a chronological list of events appear on the Attorney-General's Department file.

Dixon Minute of 12 November 1974

31. On 12 November Inspector Dixon submitted a minute drawing attention to his outstanding report and asserting that Inspector Headland had stated that Deputy Commissioner J.D. Davies had spoken to the Attorney-General on the subject and, according to the minute, "Senator Murphy had admitted that representations were made to him by Bruce Miles of Morgan Ryan and Brock and that he had been misled as to the significance of the matter. Apparently the Attorney admits he is at fault".

32. Inspector Headland however, denies that such a conversation occurred. Mr J.D. Davies (now retired) denies having had such a conversation with Senator Murphy or having made such a remark to Inspector Headland.

Headland Report

33. On 11 January 1975 Inspector Headland submitted a report stating that, after examining files of relevant Departments and interviewing officers, he had concluded that there was no criminal involvement on the part of any Commonwealth officer in any Department in return of the suspect passport to Sala.

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34. Mr Headland, however, when interviewed on 21 February 1984, made it clear that his report was directed to the question of criminal involvement of officers. His inquiries were not directed to the possible question of criminal involvement of Ministers.

35. When I interviewed Superintendent Dixon (as he now is) on 17 February 1984, I sought to establish the basis of the concern which he had expressed in relation to the handling of the Sala case, a concern which he said he still felt.

36. Mr Dixon said that, at the least, in his opinion, the then Attorney-General had been given incorrect information on which he took his decision. This conclusion was, he said, based on these considerations -

- . the nature of the decision - return of a passport suspected of being false to a convicted drug offender and withholding of action to deport;
- . the friendship between Senator Murphy and Sala's solicitor, Morgan Ryan;
- . information he had received from a police officer whose name he had forgotten based on information supplied by an unnamed informant that money had been paid by Sala or his representative in connexion with the case (his understanding, however, was that the money had been paid at official rather than Ministerial level).

However, Mr Dixon acknowledged that he had no direct evidence of corruption or illegality at top level.

Stewart Royal Commission

37. In 1981 the Police file relating to the Sala case was made available to the Stewart Royal Commission following a general request by that Commission for files relating to

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a particular class of passport matters. Apparently the file was perused by the Commission's officers at time of receipt but was not considered relevant to the Commission's terms of reference. It was ultimately returned to the Australian Federal Police on 7 June 1983.

Harkins Discussion

38. In the course of a general discussion of the case, Mr R.J. Harkins who had been the original prosecuting officer, mentioned that, in a discussion in 1978 concerning the case with Miss Anne Summers, then a journalist employed by the National Times, Miss Summers said that she knew that a sum of \$50,000 to \$70,000 had been paid to a person or persons connected with the Labor Party to use influence with the Attorney-General to get the hearing of the case expedited. At the same time, according to Miss Summers, she did not believe that Attorney-General Murphy had received any money.

39. Interviewed by me on 27 February 1984, Miss Summers, now First Assistant Secretary, Office of the Status of Women, Department of Prime Minister and Cabinet, said that her connexion with the Sala case had been limited. She had been asked by a friend with whom Sala's girlfriend had been staying in Adelaide to assist in finding a lawyer for Sala. Being acquainted with Mr Morgan Ryan, she had put Sala's girlfriend in touch with Mr Ryan but had no other connexion with the case.

40. Miss Summers had some recollection of Sala's girlfriend saying that overall the case had cost them some sum like \$70,000 but this would probably have included the money forfeited, fines and other expenses besides legal fees. Some time after the case, Mr Ryan had said to her that the case had been difficult and he had had to go all the way to the top to get a decision.

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41. As to Mr Harkins' assertion that she had said to him that a sum of \$50,000 to \$70,000 had been paid to a person or persons connected with the Labor Party to use influence with the Attorney-General, Miss Summers had no recollection of making such a statement. As a journalist she often employed the technique of making firm assertions to provoke a reaction. She did not regard Mr Ryan as a person connected with the Labor Party although she knew he had acquaintances in that Party. On the other hand, Miss Summers knew of no one other than Mr Ryan's firm to whom payments had been made in connexion with the case.

Conclusion

42. If a statement was made by Miss Summers to Mr Harkins on the lines suggested, the person referred to as receiving payment was probably Mr Ryan and the amount of the payment could have been the all-up amount first mentioned by Sala's girlfriend.

Criticisms as to the conduct of the Sala case

43. I now deal with possible irregularities, or points of criticism, as they appear or as they have been suggested by various persons, in the conduct of the Sala case.

- (a) It has been suggested that the decision to make a deportation order against Sala was incorrect in that it prevented prosecution action against him in respect of a false passport (Inspector Dixon).

As indicated above, the recommendation to the Minister to make a deportation order was dated 9 May 1974 and was based on the grounds that Sala was not a bona fide visitor and it was desirable that the Department be in a position to enforce his departure in the event he was not imprisoned on the other charges.

These grounds appear reasonable; the existence of the deportation order is not in law a bar to prosecution action although there is apparently some

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sort of administrative rule in the Immigration Department that prosecution action should not ordinarily be taken after a deportation order, but it is subject to exceptions in appropriate cases.

There is no record or other indication of any involvement by the Attorney-General or his Department at this stage of the matters.

- (b) It has been suggested that the decision not to prosecute Sala for a breach of section 27 of the Migration Act (production of false passport) was an error, if not a deliberate act designed to ensure that Sala was not imprisoned.

Suggestions to this effect have been made by Mr Harkins, Superintendent Dixon and other police officers. The file of the Central Office of the Department of Immigration shows that a proposal was made on 14 May 1974 by an officer of DCS Sydney to the Sydney Office of the Department of Immigration that Sala be charged with a breach of section 27 of the Migration Act. The basis for the proposal, as communicated to the Central Office, was that it was feared that Sala might be remanded and released on bail but, if he were dealt with on the section 27 charge on a plea of guilty as anticipated, his release would be deferred. The Police and the Prosecutor had in mind that the longer Sala's release from custody was deferred the greater the chance that he would disclose his confederates.

The decision of the Central Office, as recorded on its file, was that, as a deportation order had been signed, they could not agree to a section 27 prosecution merely as a precaution against bail (underlining added). The Court could be informed that the Minister had ordered deportation and that this would be effective when court action was complete.

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These grounds for refusal of approval to prosecute under section 27 are by no means unreasonable but it appears from notes on the files of the Deputy Crown Solicitor's Office and the Sydney Office of the Immigration Department that the decision was understood in Sydney to be that, merely because there was a deportation order, there could not be a prosecution; this is, of course, wrong in law.

The suspicion of the decision thus appears to have arisen from a misunderstanding of the real basis for it.

In the event, Sala was not remanded on bail. Further, although it is stated that Sala's solicitors agreed to plead guilty to a section 27 charge, Sala appears to have made no admissions as to the falsity of the passport and, until the Interpol report was received on 6 June, it was not definitively established that the passport was false.

There is no indication of any participation by the Attorney-General or officers of the Central Office of his Department in this decision of the Central Office of the Department of Immigration.

- (c) The decision by Attorney-General Murphy to direct that Sala's passport be returned to him and he be allowed to leave the country forthwith without deportation.

The criticism of this action appear to be based on the alleged falsity of Sala's passport and the view that retention of his original passport would assist Sala in any further international drug trafficking activities on which he might embark. Deportation would have required his return to Spain and hampered further activities in, and departures from, that country. Finally Sala's departure from this country

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put an end to Police hopes that he would disclose his confederates. Criticisms to this effect have been made by Superintendent Dixon and other police officers involved in the case.

Against these considerations it may be noted:-

- . the court had refrained from imposing a sentence of imprisonment but Sala was still in custody;
- . although there were strong grounds for suspicion that Sala's passport was false, there appeared to be no definitive evidence that it was false; there are statements recorded in the files that Sala's solicitors had indicated that they would plead guilty to a false passport charge to expedite his departure but no admissions in that regard had been made by Sala and no prosecution brief had been prepared by the police; by 29 May 1974, 30 days had elapsed since Sala's arrest;
- . if Sala's passport had not been returned to him, it would have been necessary to obtain limited travel documents for him from his country of birth, Spain, so that he could leave this country; negotiations with the Spanish Embassy for such a document had commenced but were by no means complete by 29 May 1974; while these documents were being obtained Sala would have been in custody;
- . If Sala had been deported, the Australian Government would have been obliged to pay his fare; as it was, Sala paid his own fare;
- . Sala claimed to be a political refugee from Spain and to have been brutally treated while in prison in that country; he had been

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sentenced in absentia to a further prison term for failing to give military service.

Conclusions

44. It seems to me that, in the light of the facts now known, the decisions referred to in (a) and (b) above are not open to serious criticisms and in any event there is not the slightest evidence that the Attorney-General or his Department was involved in either of these decisions.

45. As to the decision to return Sala's passport and permit him to leave Australia without deportation, differing views can be taken as to the correctness, by objective standards, of that decision. It seems to me however that, viewing the matter in the light of the information then available, the decision could not be said to be unreasonable or improper.

46. Of course, this inquiry is directed to the question whether there was illegality or impropriety in the decision and the circumstances leading up to rather than its reasonableness. All persons interviewed were invited to put forward any evidence of illegality, particularly payment of bribes or other forms of official corruption. Superintendent Dixon mentioned the matter referred to in para. 36 above, namely, he had been informed by a police officer, name now forgotten, that an unnamed informant had said that Sala or his representative had paid money in connexion with the case. This obviously cannot carry any weight. Additionally, there was the episode mentioned by Sergeant Brodie (as he now is) (see para. 9 above) which he interpreted as an attempt to bribe him during the committal proceedings. Having heard Sergeant Brodie's recollection of the words used, I would agree with the conclusion reached by Sergeant Brodie's supervisor officer at the time, namely, the evidence was insufficient to found a prosecution.

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47. I do not think that any significance in this connexion attaches to what was said or is alleged to have been said by Miss Summers.

48. As to Superintendent Dixon's assertion that Mr Morgan Ryan was a friend of Senator Murphy, it may be observed that every Attorney-General finds himself dealing with applications from legal practitioners with whom he has had long standing friendly or social relations and no inference needs to be drawn from the existence of such a relationship.

49. Apart from these matters, no person interviewed put forward any evidence or suggested evidence of illegality or impropriety in connexion with the decision. Nor has any such evidence emerged from my examination of the relevant files.

50. From an administrative point of view, it would undoubtedly have been better if there had been a written submission by a departmental officer to the Minister setting out all the relevant circumstances and the arguments for and against the proposed course followed by a written decision by the Minister. But it is by no means unknown for important and urgent decisions to be made by Ministers on an oral basis and in my view, the absence of a written submission and written decision in the present case does not indicate any impropriety.

51. I therefore report that, having made what I consider to be appropriate inquiries, I have found no evidence of illegality or impropriety in the decision to return to Mr Sala the passport seized on his arrest on 28 April 1974 and to allow him to leave Australia without serving on him a deportation order or in the circumstances leading up to that decision.


(A.C.C. MENZIES)

29 February 1984

namely, that the family is the natural and fundamental group unit of society and is entitled to protection by society and the state? Will the Minister give an assurance that that provision will be in the new Bill, because it was not in the Murphy Bill introduced into this place in 1973? How does the statement of the task force convenor that the Bill will be introduced in 1985 square with Senator Evans's statement earlier this year that his major single objective for 1984 is the enactment of an Australian Bill of Rights?

Senator GARETH EVANS—The proposed Bill of Rights will be a dynamic document, provided that Senator Harradine and those who tend to be a bit obstreperous about these things do not make life too difficult when we get to the stage of getting it through the Parliament. That will occur, on present indications, early next year because of the quite extended consultative process we are going through at the moment and on which I have had occasion to report to the Senate in answer to questions from Senator Durack, I think, on a number of previous occasions. I do not think it appropriate under those circumstances to canvass any of the proposed detail about the content of the Bill, nor did Miss Pincus, as I recall it, in the terms of her speech.

What she was doing, as I recall it, was simply making the obvious point that there is room for a degree of flexibility in the implementation of an instrument such as the International Covenant on Civil and Political Rights, provided that one retains a sufficiently close adherence to it to ensure its constitutional validity. One would not, for example, necessarily want at all to allow the full range of permissible derogations from the basic rights that the Covenant allows in a number of key areas, such as freedom of speech, assembly and so on, where obviously the international instrument was compiled in an environment of the lowest common denominator for the protection in question. There is room for some variation of that kind and, no doubt, there will be in the final language of the Bill. As to what is proposed in relation to the particular article to which Senator Harradine refers, I must confess I cannot recall at the moment how that area of the Covenant is transcribed into the Bill of Rights, but I do not believe that Senator Harradine will be too disappointed when he sees the final version in that respect.

CUSTOMS SURVEILLANCE: ABRAHAM SAFFRON

Ministerial Statement

Senator BUTTON On 21 August 1984, Senator Chipp asked the Attorney-General a

number of questions without notice concerning the alleged downgrading of surveillance and inspection in 1974-75 by Customs and Excise officials of Sydney businessman Abraham Saffron. The question sought, in particular, to establish whether the then Attorney-General gave any instructions in regard to the matter. At the request of Ministers concerned, a committee of the Secretary to the Attorney-General's Department, the Comptroller-General of Customs and the Acting Commissioner, Australian Federal Police, met to investigate the matters raised by the questions and report to Ministers. The relevant files were examined and persons involved in the matter interviewed by officers of the departments concerned or the Australian Federal Police.

The conclusions reached by the committee were: (a) the decision to reduce the Customs surveillance of Saffron to provide advice of travel details was reasonable and appropriate; (b) it is more probable than not that the decision to vary the Customs surveillance of Saffron was made by the then Comptroller-General; and (c) this does not rule out the possibility that the Minister spoke to the Comptroller-General, who may have reflected the Minister's views when speaking to departmental officers. The committee reported that it had not seen its role as extending to interviewing the former Minister, now Mr Justice Murphy, to ascertain whether Mr Justice Murphy could recall whether he was consulted at the time or gave directions in the matter and, if so, the considerations he took into account.

The committee suggested to Ministers that a possible course of action would be to provide Mr Justice Murphy with a copy of the report, less the conclusions reached, and afford him an opportunity to comment in writing on the report. This has been done. The report, less the conclusions and paragraph 48 of the report, which raised the question of whether Mr Justice Murphy should be consulted, was made available to Mr Justice Murphy. In response to the report, Mr Justice Murphy states in a letter, which I will table, that he gave no directive to the Comptroller-General or anyone else. He states that he was not consulted about the direction that the Comptroller-General gave and his recollection is that he had nothing to do with it.

I now table the report of the committee of permanent heads on allegations in the *National Times* of 10 August 1984 and the letter from Mr Justice Murphy, to which I have referred. These documents answer the questions asked by Senator Chipp. I have sought the relevant documents from the three departments. I now table the documents provided.

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Senator t Leader o Minister Parliame CANBE Dear Mr

Your morning ment I August 1

In a question to me yesterday which reiterated the earlier question, Senator Chipp asked me about an alleged request from New Scotland Yard in relation to Mr Abraham Saffron. In response to that part of the question which was a new question, let me say that the former Commonwealth Police, now the Australian Federal Police, was the national central bureau in Australia for Interpol. In accordance with its responsibilities the Commonwealth Police responded to a number of requests for information from overseas law enforcement agencies during the period mentioned. There was a request for information from New Scotland Yard concerning Mr Saffron. That request was made in 1977 and, therefore, has no relationship with the matters raised in Senator Chipp's earlier question. I just make the point, not in any pejorative sense, but I wondered at the motivation.

Senator Chipp—Is it about the same man?

Senator BUTTON—Yes, I wondered at the motivation of the question. If it was sought to establish Mr Abe Saffron's reputation I can understand it as a relevant question, but if it was sought to say anything about Mr Justice Murphy I would regard it as a reprehensible attempt to do so, with respect. I do not believe it proper to comment on specific transmissions which may have been made other than to state that the passage of information is a normal practice between member nations of Interpol, consistent with the charter of that organisation. However, if Senator Chipp wishes to pursue that matter any further, I suggest that he do so through the Minister representing the Special Minister of State. As indicated, I table the report of the officers concerned, the documents received from the Department, and the letter from Mr Justice Murphy.

Senator Chipp—Would the Minister be prepared to incorporate the documents in *Hansard*?

Senator BUTTON—I seek leave to have the report and the letter from Mr Justice Murphy incorporated in *Hansard*.

Leave granted.

The documents read as follows --

Canberra
6 September 1984

Senator the Hon. J. N. Button,
Leader of the Government in the Senate and
Minister for Industry and Commerce,
Parliament House,
CANBERRA, A.C.T. 2600
Dear Minister,

Your Assistant Private Secretary attended on me this morning with a copy of the Report of Committee of Permanent Heads on allegations in the National Times of 10 August 1984. As requested, I provide a brief comment

I disagree with that part of the report which notes "that the article did not impute any impropriety or incorrectness in the decisions made by Senator Murphy who at the relevant time was both Attorney-General and Minister for Customs and Excise". In my opinion the National Times article (by Brian Toohey and Wendy Bacon) taken with the headlines "Police Report: Murphy helped Saffron through Customs" and "How a civil libertarian Attorney-General eased Abe Saffron's Customs problems" and the photographs, was a serious defamation made with deliberate malice to injure my reputation.

The report shows that the complaint about surveillance and searches was made directly to the Comptroller-General of Customs, Mr Alan Carmody. Mr Carmody was an extremely efficient, highly respected Departmental Head who ran the Department from 1966-1976 under various Governments. He was an independent minded officer who later was appointed by Prime Minister Fraser to head the Department of the Prime Minister and Cabinet. Those who knew Mr Carmody would reject any suggestion that he would give (or accept) any improper direction.

The report shows that the Comptroller-General gave a direction which he considered appropriate. I gave no directive to the Comptroller-General or anyone else. I was not consulted about whether he should give the direction. My recollection is that I had nothing to do with it.

It also appears from the report that my office passed on to the Attorney-General's Department a request for advice, presumably about any legal implications of the complaint to the Comptroller-General of previous harassment. This would be the ordinary course for such correspondence. By the time the Department wrote seeking the comment and views of the Department of Customs and Excise and the Commissioner of Police (25 February 1975) I had ceased to be Attorney-General (9 February 1975).

Yours sincerely,

LIONEL MURPHY

REPORT OF COMMITTEE OF PERMANENT HEADS ON ALLEGATIONS IN THE NATIONAL TIMES OF 10 AUGUST 1984

We, P. Brazil, T. P. Hayes and J. C. Johnson, being the Secretary to Attorney-General's Department, the Comptroller-General of Customs and the Acting Commissioner Australian Federal Police respectively, having been directed by our Ministers to inquire into a report on allegations contained in the National Times of 10 August 1984, now furnish the following report.

Newspaper Article

2. The allegations are that Senator Lionel Murphy, Q.C. (as he then was) as Attorney-General in January 1975

'helped Saffron through Customs'

directed the Customs Department to downgrade its surveillance of Abe Saffron following representations by his solicitor, Mr Morgan Ryan

instructed that Saffron was not to receive a baggage search unless there was specific information justifying it and action under the Customs airport watch system was to be reduced to recording his travel details.

3. It must be noted that the article did not impute any impropriety or incorrectness in the decisions made by Senator Murphy who at the relevant time was both Attorney-General and Minister for Customs and Excise.

Letters by Solicitors

4. From our examination of the relevant papers it is clear that on 14 January 1975, the Sydney solicitors, Morgan Ryan & Brock wrote letters to the Comptroller-General of Customs and the Commissioner of Commonwealth Police complaining that their client Mr Abraham Gilbert Saffron had been needlessly embarrassed and harassed by Commonwealth authorities particularly on his departure by plane from Sydney to Hong Kong on an unspecified date (which however appears to be 12 November 1974) and on his return on 20 November 1974 at Perth.

5. The solicitors on the same day sent copies of both letters to Senator Murphy as Attorney-General for his consideration and attention. Senator Murphy's office sent a copy to the Department of Customs and Excise 'for information' and the original to Attorney-General's Department with the direction 'advice to Minister'.

Background events

6. On 29 July 1974, Mr Saffron, accompanied by his solicitors Mr Morgan Ryan and Mr Miles, participated at their own request in an interview at Commonwealth Police offices Sydney with Acting Superintendent Farmer. In this interview Mr Saffron complained that, at the Moffitt Royal Commission into Organised Crime in Clubs, evidence had been given by the Commonwealth Police adverse to him. Secondly, he complained of his treatment by Commonwealth authorities on his returning to Australia from overseas trips. No action appears to have been taken in consequence of the interview apart from noting the matters of complaint.

7. On 1 August 1974, Morgan Ryan and Brock wrote to Senator Murphy as Attorney-General asserting that evidence given by Mr Saffron at the Moffitt Royal Commission refuted the adverse report made by Commonwealth Police to the Commission in relation to Saffron and claimed that the report should therefore be destroyed.

8. On the basis of a report submitted by the Commissioner of the Commonwealth Police, the Attorney-General replied to Morgan Ryan and Brock on 14 September 1974 refusing to change or destroy the report submitted to the Royal Commission.

Action within the Department of Customs and Excise following the solicitors letter of 14 January 1975

9. The departmental file shows that as at 14 January 1975 Mr Abraham Gilbert Saffron was included in the list of persons in the Passenger Automatic Selection System (PASS) and the Combined Passenger Check List (CPCL) because he was "suspected of drug trafficking and of involvement in criminal activities".

10. The PASS (Passenger Automatic Selection System) is a computer system introduced to provide users with a means of checking passenger names against a list of alerts for persons "wanted" for specific enforcement purposes.

11. With the introduction of PASS a consolidated listing of alerts was printed for use in ports where the PASS system is not available. It is referred to as the CPCL.

12. The alert asked that the following action in relation to Mr Saffron be taken by Customs Officers:

"if detected leaving Australia notify Executive Officer, Northern Region (Narcotics Bureau) and Commonwealth Police Force immediately.

On Arrival: 100 per cent baggage search only. Make every effort to make baggage search appear normal. Notify Executive Officer, Northern Region, Commonwealth Police Force and CIIB"

13. The CIIB was the Central Intelligence and Information Bureau of the Department of Customs and Excise.

14. On 7 March 1975 Mr Kevin Wilson, the Chief Inspector of the CIIB prepared an internal report on the downgrading of the alert on Saffron. That report shows that, subsequent to the receipt of the representations from Morgan Ryan and Brock, the Comptroller-General of Customs directed a review be made of the alert relating to Mr Saffron. The report indicates that, in the period of 28 months prior to the complaint, Mr Saffron had arrived in Australia at least 7 times and his baggage had been searched on every occasion but no offences had been detected.

15. The Report also shows that the Narcotics Bureau, the Northern Region of which had raised the alert, was asked whether its requirements would still be met by an alert which directed that it be advised of travel movements only and which contained no instructions regarding baggage search. Advice was received that this arrangement would be satisfactory.

16. On 30 January 1975, a telex was despatched from the head office of the Customs to the appropriate operational areas advising that the action section of the alert should be amended to require, on the arrival or departmental of Mr Saffron:

"advice of travel details to Executive Officer, Northern Region, Commonwealth Police Headquarters and CIIB".

On the same day a further telex was sent in the following terms:

"Alleged harassment of Saffron by Customs and CPF has been subject of Ministerial Representations"

believe that Saffron may travel within a matter of hours

Comptroller-General has directed that under no circumstances is Saffron to be given a baggage (or body) search

if at a later stage information is received which warrants upgrading this alert to include baggage search it will be amended for the duration of specific journeys only."

* This must be understood as representations to the Minister which is the customary use of the expression in the Public Service.

17. Wilson's internal report of 7 March 1975 also attributes to the Comptroller-General the direction that under no circumstances was Saffron to be given a baggage or body search when next he travelled. Apart from this report and the telex there is no record on the file of the decision to vary the surveillance of Saffron.

18. On 4 March 1975 the Department of Customs and Excise received from the Secretary, Attorney-General's Department, copies of the Correspondence dated 14

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January from Morgan Ryan and Brock to the Attorney-General and a request for comments and views upon the matters raised and a copy of any reply sent to Mr Saffron's solicitors.

19. On 11 March 1975 the Department replied to Morgan Ryan and Brock acknowledging receipt of their letter of 14 January and directing their attention to Sections 32 and 186 of the Customs Act (powers to search goods subject to the control of the Customs).

20. On the same day, the Department responded to the Attorney-General's Department, Canberra, advising that the letter of 14 January to the Comptroller-General from Mr Saffron's solicitors had been acknowledged and that no further action was contemplated. The letter also advised that Customs Officers were not involved in the examination of Mr Saffron when he departed for Hong Kong.

21. Mr D. O'Connor then Acting Assistant Comptroller-General (Special Services) recalls directing Mr Kevin Wilson, to review the alert on Saffron. Among considerations behind this decision mentioned by Mr O'Connor was the fact that, because the Suspect Alert List was growing rapidly, efforts were being made to cull the list of long standing alerts that could not be supported by specific current intelligence.

22. Mr O'Connor recalls that after consultation with the Comptroller-General (Mr Alan Carmody now deceased) or the First Assistant Comptroller-General (Mr B. Ortlepp also now deceased) he instructed Mr Wilson specifically to draw the attention of Collectors to the downgrading of the alert on Mr Saffron. Mr O'Connor's recollection is that, without such an instruction being issued, Customs officers who recognized Saffron may have been inclined to search him on the basis of his reputation.

23. Mr O'Connor states that he had no communications with Senator Murphy in the matter and, to the best of his knowledge, Senator Murphy had no part in the decision.

24. Mr Kevin Wilson who sent the telex messages has since left the Public Service. He has no clear recollection of the relevant events but is disposed to think, on the basis of what he had written in the Department's file and the statement in the telex, that the Comptroller-General made the directions and that the Comptroller-General, rather than the Minister, made the decision.

25. While there is no record in the records of the Department of Customs and Excise of Ministerial involvement in the decision, the information available to us does not enable us to state positively that the Minister had no input into the decision; the possibility cannot be excluded, because of the deaths of Mr Alan Carmody and Mr Ortlepp, that the Minister spoke to one of them and this person may have reflected the views of the Minister when speaking to Mr O'Connor.

Action within Attorney-General's Department

26. The solicitors' letter addressed to Senator Murphy together with attachments, was received in Attorney-General's Department on 21 January 1975.

27. On 25 February 1975 the Department wrote to both the Department of Customs and Excise and the Commissioner Commonwealth Police seeking their comments and views on the matters raised by the solicitors' letters and copies of any replies to those letters.

28. While the Department of Customs and Excise's file suggests that that Department on 11 March 1975 replied

to Attorney-General's Department's letter, a copy of the reply does not appear on Attorney-General Department's file.

29. No other action was taken by Attorney-General's Department in the matter. There is no record of any involvement by the Attorney-General in the matter and the officer who handled the matter from 28 January 1975 has stated that he has no recollection of any consultation with the Attorney-General or any direction being given by the Attorney-General. He is sure that he would remember if a direction had been given by the Attorney-General to him or (since 28 January 1975) to any other person in the Branch concerning the matter. On the Department's file, there is no record of further action except a notation dated 13 June 1975 which appears to be in the handwriting of Mr Johnston that Mr J. Ballard (the Acting First Assistant Secretary) had instructed him to have the matter removed from the computer list, that is, the computer list of Ministerial correspondence. This decision in effect meant that no further action needed to be taken in respect of the matter.

30. Mr Ballard is overseas and nothing, it would seem, would be served by seeking to interview him by phone.

Action within Commonwealth Police

Receipt of Solicitors' letter of 14 January 1975

31. The solicitors' letter was received in the Commissioner's office on 16 January 1975 and a formal acknowledgment was sent on 24 January 1975.

Prior action

32. Commonwealth Police interest in the activities of Abraham Gilbert Saffron can be traced back to the formation of the then Criminal Intelligence Unit of the Commonwealth Police under Commissioner R. Whitrod, and later Commissioner J. M. Davis. Saffron is a reputed organised crime figure in Australia. He had featured in the Moffitt Royal Commission into Organised Crime in Clubs, and was referred to by Justice Moffitt in his findings.

33. Witnesses recently interviewed and police documentation of the period point to the fact that in 1974 the Commonwealth Police were only interested in learning of Saffron's travel details and of his movements into and out of the country. There is no record to suggest that the Commonwealth Police requested Customs to conduct body or baggage searches of Saffron, or approved of such searches.

1974 Commonwealth Police Force Search of Saffron:

34. Saffron departed Australia for Hong Kong from Sydney International Airport on 12.11.74 on Qantas Flight 276. Prior to his boarding Saffron was subjected to a currency check initiated by then Senior Constable I. A. McDougall who was accompanied by then Constable E. A. Harrison. McDougall was interviewed on 23 August 1984, and, although he had no vivid recollection of the event, stated that he had not received any direction from any person to conduct a currency search of Saffron, but that it was done on his own initiative knowing that Saffron was recorded as a suspect alert. A document recording the search of that date bears out that the search of Saffron took place and proved negative. Commonwealth Police did not search Saffron on his return to Perth late in November 1974. However his luggage was searched by Customs officers.

Action in Commonwealth Police following receipt of solicitors' letter

35. On receipt of this letter, inquiries were instituted to establish the circumstances of the previous searches of Saffron.

36. Inquiries were conducted by then Sergeant First Class Michael John Martin with the assistance of then Senior Constable Eric Curtis.

37. It was established by those inquiries that Commonwealth Police interest was confined to learning from Customs the arrival, departure and overseas travel details of Saffron.

38. Initially the member who searched Saffron, Senior Constable I. A. McDougall, could not remember the incident as it had occurred on 12 November 1974 and he was not approached about it until some five months later. When he did recall the incident he was firm in his belief that he had not been directed by any person to search Saffron, but that he did so of his own volition. It is understood that currency searches were carried out but were not confined to people such as Saffron.

39. Constable E. A. Harrison, present during the search of Saffron, submitted a report the same day (12.11.74), recording that Senior Constable McDougall conducted the search and that it had proved negative.

40. An unsigned minute on the Commonwealth Police file by the Chief Commissioner addressed to the Secretary, Department of Police and Customs reported receipt of Attorney-General's memo requiring information in relation to the Morgan Ryan & Brock letter, the currency search of Saffron on 12 November 1974 and suggested that Attorney-General's Department be apprised of this information. However it appears that this minute was not sent.

41. Apart from one document entitled 'note for file' prepared by Sergeant First Class Martin on 30 July 1975 discussed below there is no record in Commonwealth Police records of any Ministerial direction or involvement in discussions to vary Customs surveillance of Saffron.

The note for file of Sergeant Martin

42. The following document appears in the Commonwealth Police papers

'30 January 1975 saw Kevin Wilson of Customs who told me that both the Department and the Minister have received letters from Saffron's solicitor complaining about certain events at Sydney and Perth airports. I stated we have received similar correspondence.

Wilson stated the A.G. has directed that Saffron is NOT to receive a baggage search on future travel unless there is specific information on which to base same. He continued that as a result their C.P.C.L. entry is to be downgraded immediately to recording of travel details only and asked our view. I replied that the existing alert only calls for travel details on our behalf and that that has always been our position. We have never requested a search. Consequently advice of travel details is all we require now.

It is believed that Saffron will go overseas 31 January 1975. Wilson is contacting Sydney airport to ensure Customs Officers give him a clear run. M. Martin Sgt I/C'.

43. The significance of this document lies in the fact that it is the only reference in the official papers of any

Department or Force to any Ministerial involvement or direction in this matter.

Mr Wilson's version

44. Mr Kevin Wilson referred to in the note has a limited recollection of the episode and indicated that he would very much rather rely on what he had written at the time in the departmental file than on remarks attributed to him in Martin's note. While it was possible that the Attorney-General was the source of the direction, in all his dealings with the matter, Mr Wilson believed that the direction came from the Comptroller-General. He said that he quite often used the expression 'CG' for Comptroller-General, in fact more than 50% of the time and he used it regularly in his discussions with Sergeant Martin. It was quite possible in his view that Sergeant Martin used the wrong abbreviation when preparing the file note.

Mr Martin's version

45. Mr Martin has since left the force. Interviewed on 27 and 30 August 1984, he could not now recall the conversation which the note purported to record; however he rather thinks that what Wilson said, he (Martin) typed; he cannot recall Wilson using the expression 'CG'. While he could not say that Wilson had not said Comptroller-General that was unlikely because if he had he (Martin) was sure that he would have put Comptroller-General as the term 'CG' was not commonly used in the Police Force.

Comment

46. It may first be noted that the document is at best a fourth hand record of what happened. Further, while it would not be unusual for Wilson to say it would be most unlikely that he would have described a decision of his Minister as 'a decision of the AG'. Therefore in our view, it is more probable than not that Wilson said 'the CG has directed' and Martin misheard him and recorded it as 'the AG has directed'.

Merits of decision

47. It appears to have been accepted in both the Department of Customs and Excise and the Commonwealth Police Force that the decision to reduce the Customs surveillance on Saffron was not unreasonable and not inappropriate. This was because

the best way to alert a suspect was to check his baggage every time he travelled

nothing was therefore likely to be achieved by continually searching such people; it was more sensible to search only when there was specific justification for search on that occasion

too many entries on PASS would clog the system; vigilance had to be exercised to ensure entries were retained only for good reason.

Therefore there appears to have been no opposition at the time in either the Department or the force to the decision.

Should Mr Justice Murphy be interviewed

48. We have seen our role as extending to the examining of departmental records and arranging for the interview of officers and ex-officers involved but not to interviewing the former Minister, now Mr Justice Murphy. Our conclusion that the decision in question was appropriate and reasonable reduced the need to interview Mr Justice Murphy but Ministers may nevertheless wish to consider

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whether Mr Justice Murphy should be approached to ascertain whether he can recall if he was consulted at the time or gave directions in the matter and, if so, the considerations that he took into account. One possible course would be to provide Mr Justice Murphy with a copy of this report less the conclusions reached and afford him an opportunity to comment in writing on the report.

Conclusions

49. On the material available to us we have therefore reached the following conclusions—

- (a) for the reasons set out in paragraph 47, above, the decision to reduce the Customs surveillance of Saffron to providing advice of travel details was reasonable and appropriate
- (b) it is more probable than not that the decision to vary the Customs surveillance of Saffron was made by the then Comptroller-General; and
- (c) this does not rule out the possibility that the Minister spoke to the Comptroller-General who may have reflected the Minister's views when speaking to Mr O'Connor.

50. Having regard to our firm conclusion as to (a), the possibility mentioned in (c) loses much of its significance.

Dated the 4th day of September 1984.

Senator CHIPP—(Victoria—Leader of the Australian Democrats)—by leave—I move:

That the Senate take note of the statement and papers.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COASTAL SURVEILLANCE

Senator GARETH EVANS—In answering questions about coastal surveillance from Senator Robertson and Senator Kilgarriff yesterday I said some things based on written briefs then in front of me which produced a suggestion of possible apparent discrepancies which I think it would be appropriate to clean up for the record. When answering Senator Robertson yesterday the figures I used measured the programmed Budget estimates of coastal surveillance spending against actual spending in 1983-84. These figures, which had only just been made available to the Government yesterday, give a true picture of the Government's commitment to coastal surveillance and clearly indicate that claims by the Opposition that we have cut spending on coastal surveillance are completely without foundation.

Later in Question Time Senator Kilgarriff asked a long question, which honourable senators will recall ranged far and wide covering defence matters as well as matters relating to coastal surveillance. In answering that question I relied on an earlier brief provided to me. This brief contained figures which measured only this year's estimate against the estimate of last year. On these figures there appears to be a very slight reduction in

funds committed to coastal surveillance for the coming year. However, the later figures show that we intend to spend more this year than we actually spent last year. With the Government's increased commitment to coastal surveillance demonstrated by the direct involvement of the Australian Federal Police in co-ordination and control of coastal surveillance, this target expenditure will certainly be met. I should add that the Minister for Defence advises, by way of a further answer to another matter that was raised in Senator Kilgarriff's question, that in this year's defence budget there will be a 2 per cent real growth in operating expenditure which includes Royal Australian Air Force flying hours. Contrary to some misguided comments, there have not been any cuts in operating costs either in this year's Budget or in last year's Budget. RAAF flying hours will increase by about 8 per cent over the figures for 1983-84.

STANDING COMMITTEE ON REGULATIONS AND ORDINANCES

Seventy-fifth Report

Senator COATES (Tasmania)—On behalf of the Standing Committee on Regulations and Ordinances I present the seventy-fifth report of the Committee dated September 1984 on legislation considered for the period February to June 1984.

Ordered that the report be printed.

Senator COATES—by leave—I move:

That the Senate take note of the report.

This is the third report of the Regulations and Ordinance Committee to be tabled this year. The seventy-fourth report was tabled in March and the Committee's special report on certain regulations and an ordinance, dealing with censorship, was tabled in May. The seventy-fifth report gives a full account of the Committee's scrutiny of delegated legislation over the period February to June 1984, during which time the Committee, on behalf of the Senate, examined 268 statutory instruments.

The Committee has sought and obtained promises of amendments to a number of instruments. Typical of provisions regarded by the Committee as defective are subjectively based decision making processes, persuasive burdens of proof on defendants, lack of appeal rights against decisions by public officials, penalties which go beyond the limit authorised by the principal legislation and conclusive certificates based upon a single judgment rather than that of an expert panel. This report includes a full account of the Committee's pursuit of the amendment of these and other provisions. I point out that during the period under



RECEIVED 23 JUN 1986

National Crime Authority

GPO Box 5260, Sydney, NSW 2001
Telephone (02) 265 7111
Telex 23575

OFFICE OF THE CHAIRMAN

18 June 1986

The Hon. Sir George Lush,
Presiding Member,
Parliamentary Commission of Inquiry,
G.P.O. Box 5218,
SYDNEY. N.S.W. 2001.

Dear Sir George,

Thank you for your letter of 5 June 1986, which I saw only when I resumed duty with the Authority this week.

Documents and other materials have, as you know, been produced to the Commission pursuant to section 13 of the Parliamentary Commission of Inquiry Act 1986.

As I indicated to you in our discussions yesterday, the Authority is willing to assist the Commission in whatever way it can.

Yours sincerely,

A solid black rectangular box redacting the signature of Mr Justice Stewart.

Mr Justice Stewart

22.2.

23.6.86

IN-CONFIDENCE

File Note

Mr Masselos, solicitor for Murphy J., telephoned today at 9.55 to say that they had no objection to the 2 documents sought to be tendered by Mr Charles during the hearing yesterday going straight to the Commission (the documents concerned are Part 2 of the Stewart Report and a letter dated 25 March 1986 signed by Stewart J. to Murphy J. - see transcript-in-confidence, Tuesday 3 June 1986 pp 33 ff.

From his viewpoint, there is no need for a hearing on Wednesday 11 June 1986.



F Thomson

4 June 1986

cc Sir George Lush

✓ Mr Charles



Sydney Office

Director of
Public Prosecutions

388 George Street
Sydney NSW 2000
GPO Box 4413
Telephone 02 226 9666
Facsimile 02 226 9684
Telex 74531-DX 1398

20 June 1986

Your reference:

Our reference:
SG85/1178

JD

The Secretary
Parliamentary Commission of Enquiry
8th Floor
ADC House
99 Elizabeth Street
SYDNEY NSW 2000

Attention: Mr David Durack

Dear Mr Durack

I refer to our meeting yesterday and subsequent telephone conversation and enclose a copy of the advice of Messrs Callinan QC and Cowdery dated 13 April 1986.

I also enclose a copy of the exhibits tendered by the Crown at the retrial before his Honour Mr Justice Hunt. I am in the process of identifying the exhibits at the trial and committal and should be able to forward these to you next week.

Yours faithfully

BRYAN ROWE
Senior Assistant Director

Encls.

Mr Ross

→ CI please

Your reference:

Our reference:

Received from *JOCK COOPER* on behalf of the Director of Public Prosecutions a copy of the advice given by Messrs Callinan QC and Cowdery dated 13 April 1986 and a copy of the Crown Exhibits tendered at the retrial before his Honour Mr Justice Hunt.



Signed

DN Durack

Name in Block Letters

Dated this 20th day of June 1986.

Time: *2.15 PM*



Sydney Office

Director of
Public Prosecutions

388 George Street
Sydney NSW 2000
GPO Box 4413
Telephone 02 226 9666
Facsimile 02 226 9684
Telex 74531-DX 1398

Your reference:

Our reference:
SG85/1178

19 June 1986

Mr Ross
→ *File - neg. for info*

The Secretary
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001

ATTENTION: MR DAVID DURACK

Dear Mr Durack

COMMITTAL, TRIAL AND RETRIAL OF HIS HONOUR MR JUSTICE MURPHY

I refer to the telephone conversations between the Director and Mr Stephen Charles QC and to the Attorney General's direction in this matter.

I confirm that this office holds material falling into the following three broad categories:

- ✓(i) Material received, prepared or collated with a view to considering whether it was capable of being used at the retrial on the issues of motive, character and/or association or for cross-examination. As you are aware character was not raised at the retrial nor did his Honour elect to give evidence. Some fresh association evidence was led at the retrial.
- (ii) Files supplied to this office by other agencies or departments. I am currently preparing a list of these files and will provide it to you early next week. Once you have arranged clearance for these files, I will hand them over. In the meantime they will remain in my office.
- (iii) Internal office files, some held here and some in Canberra. These contain correspondence, advices, memoranda, accounts etc. There are also additional copies of transcript, Appeal Books for the Court of Appeal and High Court and Federal Court proceedings. These are available for inspection at a mutually convenient time but are probably not of assistance to your Enquiry. They do not seem to fall within the terms of the direction.

*Dead
has this in
hand.
FT
19/6*

.2.

The material mentioned in (i) above is provided herewith. None of the material currently held in this office is in perfect order because the cleaning-up process after the retrial is not yet complete. The material provided to you is our original documentation as neither time nor resources exist to arrange photocopying. It would greatly assist if the material is returned in the same form as provided to you.

If you require further assistance or wish to inspect any material not yet provided plesae contact Bryan Rowe of my office on 226.9688.

Yours faithfully


TERENCE P GRIFFIN
Deputy Director //

RECEIPT FOR MATERIAL

I, DAVID DURACK, Principal Legal Officer attached to the Parliamentary Committee of Enquiry hereby acknowledge receipt of the following material from the Director of Public Prosecutions Sydney office.

1. a) Anderson, James

- i) Tape of Interview conducted on 9 April 1986 by Rowe in presence of AFP officer and summary relating thereto.
- ii) Interview with journalist Neil Mercer.
- iii) Public Evidence to NSW Parliamentary Enquiry into Prostitution.
- iv) In Camera evidence to same Enquiry.
- v) Transcript of Examination under s.69 Bankruptcy.

b) Age Tape Material

- i) Summary and Extracts of relevant parts. In some cases includes extra material gathered by DPP to explain or expand on various references. Some Stewart Royal Commission obtained material.
- ii) Full copy of Age Tapes as relate to Ryan - main sources Stewart Royal Commission and Sturgess.
- iii) One Tape of Murphy-Ryan conversation.
- iv) Profiles of some participants to Ryan conversations prepared by DPP and/or Sturgess.

c) Ararang Restaurant

Property and Corporate Affairs Commission searches.

d) Bird/McMahon

Extracts from draft novel.

e) Bristow

- i) Statement.
- ii) Memo dated 17 January 1975 to Attorney-General from Davies.
- iii) Supplementary AFP Modus Operandi Report dated 7 March 1975.
- iv) Other miscellaneous documents.

f) Briese

Documents relating to Senate Enquiries.

g) Davies

Statement supplied.

h) Egge

Statement and Evidence to Stewart Royal Commission.

i) Francisco

Extract of Evidence to Stewart Royal Commission.

j) Felton/Wigglesworth

- i) File Notes re. conversations for retrial.

k) Groux

- i) Statement re. Lewington.
- ii) File Notes re. contact with Groux and DPP.
- iii) Whited out copy of Groux statement.

l) Halpin

- i) Draft Statement.
- ii) Copy Article from "Matilda" magazine.

m) Lewington

Copy record of interview of 23 February 1984.

n) McPherson

Extract from newspaper report.

o) Menzies

Copy of Report on Sala.

p) Minter

Draft questions and handwritten responses.

q) Newspaper Clippings

Re. Murphy.

r) Property Transactions

Summaries of Murphy, Ryan and Miles property holdings.

s) Thomas

- i) Material prepared for retrial on basis character not in issue.
- ii) Material prepared for retrial on basis character in issue, includes evidence given to Stewart Royal Commission.

t) West, James

Draft statement prepared for retrial.

2. c) Lever Arch Folder marked "Additional Info"

Includes

- v) Sala Hansard and copy of District Court proceedings (put in manila folder).
- vi) Interview with Sankey of 3 March 1986 (put in manila folder).

f) Four page statement of Francis Gannell.

g) Sala

- i) Chronology of Events and copy of extracts of Murphy evidence at First Trial,
- ii) Handwritten analysis of various Sala files.

h) Two Manila folders of material received from Stewart Royal Commission includes:

- i) M. Ryan transcript
- ii) Egge statement and evidence

- iii) Thomas transcript
- iv) Running Sheets.

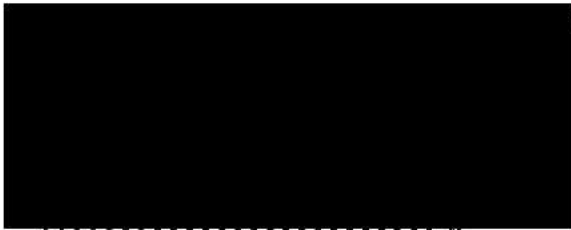
j) Manila folders titled "Hansard References"

- i) ASIO raids - Croation Terrorism
- ii) Execution of Australian Citizens in Yugoslavia
- iii) Overseas Loan affairs.

Several copies.

4. a) On Shelves

- viii) Folder marked "Association Evidence".



DAVID DURACK



WITNESS

DATE: 19 June 1986

IN-CONFIDENCEFile Note

Mr Masselos, solicitor for Murphy J., telephoned today at 9.55 to say that they had no objection to the 2 documents sought to be tendered by Mr Charles during the hearing yesterday going straight to the Commission (the documents concerned are Part 2 of the Stewart Report and a letter dated 25 March 1986 signed by Stewart J. to Murphy J. - see transcript-in-confidence, Tuesday 3 June 1986 pp 33 ff.

From his viewpoint, there is no need for a hearing on Wednesday 11 June 1986.



F Thomson

4 June 1986

cc Sir George Lush

Mr Charles

g x l.
17.6.86

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

STRICTLY PRIVATE AND CONFIDENTIAL

Mr T P Hayes
Secretary
Department of Industry, Technology and Commerce
Edmund Barton Building
Kings Avenue
BARTON ACT 2600

Dear Mr Hayes

PARLIAMENTARY COMMISSION OF INQUIRY

As you may be aware the Parliamentary Commission of Inquiry has commenced its task of inquiring into and advising the Parliament whether any conduct of the Honourable Lionel Keith Murphy has been such as to amount, in its opinion, to proved misbehaviour within the meaning of section 72 of the Constitution.

In the course of its inquiry, the Commission is seeking to establish the extent and nature of a relationship apparently existing between the Judge and Morgan John Ryan.

In this regard, the Commission would be considerably assisted by knowing whether Ryan (or Abraham Gilbert Saffron or Ramon Sala) were in contact with or made any approaches to the Judge in his capacity as Attorney-General or Minister for Customs and Excise; and whether, in either of those capacities or otherwise, the Judge intervened on behalf of any of the persons mentioned in connection with any official matter, in particular any matter concerning customs or excise. As well, the Commission would like to establish whether any of those persons named have been involved in any offences or alleged offences to do with customs or excise or any related matter.

It occurs to the Commission that there may be information within your Department (in documentary form or otherwise) that may shed light on these matters. It would be appreciated if you would arrange for some inquiries to be made within your

Department with a view to identifying any such information. If any material touching on these matters is available, the opportunity of examining it would be appreciated, as would be the opportunity of interviewing any appropriate officers.

I should mention that the request for information in this letter is not made pursuant to any specific section of the Commission's statute.

Yours sincerely

A solid black rectangular box used to redact the signature of J F Thomson.

J F Thomson
Secretary

13 June 1986

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

STRICTLY PRIVATE AND CONFIDENTIAL

Mr P Brazil
Secretary
Attorney-General's Department
Robert Garran Offices
PARTON ACT 2600

Dear Mr Brazil.

PARLIAMENTARY COMMISSION OF INQUIRY

As you are aware the Parliamentary Commission of Inquiry has commenced its task of inquiring into and advising the Parliament whether any conduct of the Honourable Lionel Keith Murphy (the Judge) has been such as to amount, in its opinion, to proved misbehaviour within the meaning of section 72 of the Constitution.

In the course of its inquiry, the Commission is seeking to establish the extent and nature of a relationship apparently existing between the Judge and Morgan John Ryan.

In this regard, the Commission would be considerably assisted by knowing whether Ryan was in contact with or made any approaches to the Judge in his capacity as Attorney-General or Minister for Customs and Excise; and whether, as Attorney-General or Minister for Customs and Excise, or otherwise, the Judge intervened on behalf of Ryan - or any other person - in relation to immigration or customs matters (this being further to request made by Mr D Durack on 10.6.86 for the R Sala and A Saffron reports).

It occurs to the Commission that there may be information within your Department (in documentary form or otherwise) that may shed light on these matters. It would be appreciated if you would arrange for some inquiries to be made within your Department with a view to identifying any such information. If any material touching on these matters is available, the opportunity of examining it would be appreciated, as would be the opportunity of interviewing any appropriate officers.

I should mention that the request for information in this letter is not made pursuant to any specific section of the Commission's statute.

Yours sincerely

J F Thomson
Secretary

13 June 1986

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

STRICTLY PRIVATE AND CONFIDENTIAL

Mr W A McKinnon, CBE
Secretary
Department of Immigration and Ethnic Affairs
Benjamin Offices
Chan Street
BELCONNEN ACT 2617

Dear Mr McKinnon

PARLIAMENTARY COMMISSION OF INQUIRY

As you may be aware the Parliamentary Commission of Inquiry has commenced its task of inquiring into and advising the Parliament whether any conduct of the Honourable Lionel Keith Murphy has been such as to amount, in its opinion, to proved misbehaviour within the meaning of section 72 of the Constitution.

In the course of its inquiry, the Commission is seeking to establish the extent and nature of a relationship apparently existing between the Judge and Morgan John Ryan.

In this regard, the Commission would be considerably assisted by knowing whether Ryan or Sala were in contact with or made any approaches to the Judge in his capacity as Attorney-General or Minister for Customs and Excise; and whether, as Attorney-General or Minister for Customs and Excise, or otherwise, the Judge intervened on behalf of Ryan or Ramon Sala - or any other person - in relation to immigration matters. As well, the Commission is seeking to establish whether Ryan or Abraham Gilbert Saffron have been involved in matters concerning immigrants from Korea or the Phillipines who have entered or sought to enter Australia unlawfully.

It occurs to the Commission that there may be information within your Department (in documentary form or otherwise) that may shed light on these matters. It would be appreciated if you would arrange for some inquiries to be made within your Department with a view to identifying any such information. If

any material touching on these matters is available, the opportunity of examining it would be appreciated, as would be the opportunity of interviewing any appropriate officers.

I should mention that the request for information in this letter is not made pursuant to any specific section of the Commission's statute.

Yours sincerely

A solid black rectangular box used to redact the signature of J F Thomson.

J F Thomson
Secretary

13 June 1986

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

Mr T P Griffin
Deputy Director
Office of the Director of Public Prosecutions
388 George Street
SYDNEY 2000

For the Attention of: The Director, Mr I Temby QC

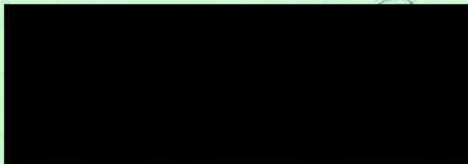
Dear Sir

RE PARLIAMENTARY COMMISSION OF INQUIRY

I refer to your letter of 12 June 1986.

I enclose herewith for your information copy of letter of today's date from Stephen Charles QC, Senior Counsel Assisting the Commission, to Mr Pat Brazil, Secretary, Attorney-General's Department.

Yours faithfully



D N Durack
Instructing Solicitor

12 June 1986

24

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

Mr P Brazil
Secretary
Attorney General's Department
Robert Garran Offices
BARTON ACT 2600

Dear Pat

PARLIAMENTARY COMMISSION OF INQUIRY -
DOCUMENT REQUEST TO DIRECTOR OF PUBLIC PROSECUTIONS

I refer to our telephone discussions in relation to a request made to Mr I Temby QC, Director of Public Prosecutions, for documents relating to the Honourable Mr Justice Murphy (a copy of the letter formalizing the request is attached).

Mr Temby QC has indicated that he is prepared to release all of the public documents requested but has raised doubts about the propriety of providing any other materials sought. Mr Temby's view is that, the prosecutorial function having been performed, his office has no desire to pursue any allegations against Mr Justice Murphy.

In view of the importance of this material to the Parliamentary Commission and having regard to the time constraints placed on the Commission it would seem desirable, and I therefore request, that the Attorney General direct Mr Temby QC to produce all materials obtained or held relative to the committal proceedings and the trial and retrial of the Honourable Mr Justice Murphy. It would seem that such a direction is permissible pursuant to s.8(2)(c) of the Director of Public Prosecutions Act 1983.

Yours sincerely



Stephen Charles

12 June 1986

Copy to Director of Public Prosecutions

DPP

Sydney Office

Director of
Public Prosecutions

23
388 George Street
Sydney NSW 2000
GPO Box 4413
Telephone 02 226 9666
Facsimile 02 226 9684
Telex 74531-DX 1398

Your reference:

Our reference:

12 June 1986

The Secretary
Parliamentary Commission of Inquiry
GPO Box 5218
SYDNEY NSW 2001

ATTENTION: D N DURACK

Dear Sir

I refer to your letter dated 11 June 1986.

This Office is prepared to provide copies of transcripts as requested. They will be delivered as soon as they are ready.

In the absence of direction or compulsion there must be some doubt about the propriety of providing copies of the exhibits and other materials sought. It must be stressed that, the prosecutorial function having been performed, we have no desire to pursue any allegations against Mr Justice Murphy. On the other hand, we wish to do what we properly can to assist the Commission in the important tasks it has to perform.

As the Director made clear to Mr Charles QC further consideration will be given to the matter and I should be in a position to write to you again early next week.

Yours faithfully


T P GRIFFIN/
Deputy Director

Mr Ross

→ file

IN CONFIDENCE

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

Your Ref: EX86/6290

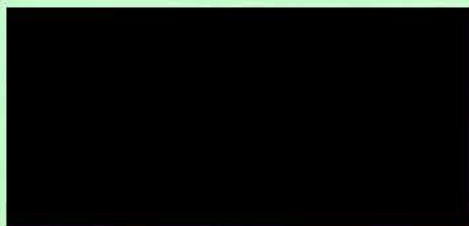
Mr P Brazil
Secretary
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600

Parliamentary Commission of Inquiry - Murphy J

I refer to our previous discussions in relation to this matter.

I would appreciate it if the following reports and associated material could be forwarded to the Commission for perusal:

1. Report of Mr A Menzies - SALA deportation matter.
2. Report of Mr A Watson - Saffron customs surveillance.



D N Durack
Instructing Solicitor

10 June 1986



**National
Crime Authority**

CENTRAL OFFICE
GPO Box 5260, Sydney, NSW 2001
Telephone (02) 265 7111
Telex 23575

Melissa

To: CI please

Daryl N/L

11 June 1986

Mr D. Smeaton,
Parliamentary Commission of Inquiry,
8th Floor, ADC House,
99 Elizabeth Street,
SYDNEY. N.S.W. 2000.


**ACCESS TO RECORDS OF THE ROYAL COMMISSION OF INQUIRY
INTO ALLEGED TELEPHONE INTERCEPTIONS**

As you are aware Messrs Charles Q.C., Robertson, Weinberg and Durack attended the offices of the Authority yesterday to view documents of the Royal Commission of Inquiry into Alleged Telephone Interceptions which are now in the possession of the Authority.

Enclosed is a copy of material requested by the officers of the Parliamentary Commission. I should be grateful if you would sign the attached receipt and return it to me. If you require any further information please contact Ms Kay Ransome (telephone 265 7235).

*Done by
D. Durack 12/6
DAR*

As discussed, the Authority would appreciate receiving in due course a notice in respect of this material, pursuant to section 13 of the Parliamentary Commission of Inquiry Act 1986.



D.M. LENIHAN
Chief Executive Officer

Documents supplied 10 June 1986

Volume T1A (Copy 9): Pages 1 to 105 "Mad Dog" - transcripts and summaries relating to M.J. Ryan for the period 18 March 1979 to 12 April 1979 ✓

Volume T1B (Copy 4): Pages 106 to 155 "Rabid" - transcripts and summaries relating to M.J. Ryan for the period 6 to 9 February 1980 ✓

Volume T1C (Copy 7): Pages 156 to 199 "Morgan John Ryan" - profile and summaries relating to M.J. Ryan for the period 7 February 1980 to 10 May 1980 ✓

Volume T1D (Copy 4): Pages 200 to 304 - transcript of tape prepared by the AFP from material produced to the Age newspaper and amended by the Royal Commission relating to M.J. Ryan for the period 2 March 1980 to approximately 2 June 1980 ✓

TI226: Record of Interview with D.J. Lewington on 22 February 1984 (taken from TI69: Inquiries on behalf of the Special Prosecutor) folios 1-23 ✓

TI336: D.W. Thomas, Statement, folios 1-3 ✓

Documents etc supplied 11 June 1986

TI69: Inquiries on behalf of the Special Prosecutor, Part 1 folios 179-191 ✓

TI77: Morgan John Ryan: Cassette tapes of material transcribed in T1D Tape 3 ✓

TI211: Korean Inquiry: Occurrence Book pages 1-163 (Australian Federal Police) folios 135-37 ✓

TI212: Lever Arch Binder labelled "Trident": Morgan John Ryan (AFP) folios 183-89, 241-58, 281-84, 287, 289-94 ✓

TI270: Thomas, D and Ryan, M : Tape of conversation and transcript (AFP) ✓

TI363: Investigator's Report: No.25

13	Transcript of evidence K.R. Brown	E200
14	Transcript of evidence, supplementary statement P.L. Egge	E850-58, Ss337-349 ✓
15	Transcript of evidence M.F. Farquhar	E3396-97 ✓
16	Transcript of evidence J.F. Francisco	E2283 ✓
17	Transcript of evidence K.L. Huber	E547-48 ✓
18	Transcript of evidence R.A. Johnson	E589 ✓
19	Transcript of evidence P.J. Lamb	E1318 ✓
20	Transcript of evidence M.A. Morris	E3568-69, E3577-78 ✓
21	Transcript of evidence J.M. Pry	E2784 ✓
22	Transcript of evidence M.J. Ryan	E3943-46, E3954-58 ✓
23	Statement of G.P. Smith	S455 ✓
24	Supplementary statement W.S. Stanton	Ss140 ✓
25	Transcript of evidence, statement O. Taylor	E3870-71, S1019-213 ✓
26	Transcript of evidence D.W. Thomas	E3279-99 ✓
27	Transcript of evidence R.I. Treharne	E1012 ✓
28	Transcript of evidence M.T. Wood	E2430-32, S732 ✓

Signed: 

Date:12/6/86.....

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218
SYDNEY NSW 2001

Ph : (02) 232 4922

Mr T Griffin
Office of the Director of Public Prosecutions
American Express Tower
38 George Street
SYDNEY 2000

For the Attention of: The Director, Mr I Temby QC.

Dear Sir

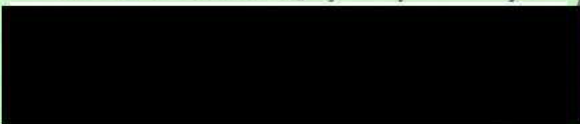
RE: PARLIAMENTARY COMMISSION OF INQUIRY - MURPHY J.

I refer to discussions between your Director and Mr S Charles QC, Senior Counsel Assisting the Parliamentary Commission.

I request that copies of the following documents be provided to the Commission in order that it may carry out its functions under the Parliamentary Commission of Inquiry Act 1986:

1. Transcript of committal proceedings commencing on 25 March 1985 concerning the Honourable Mr Justice Murphy.
2. Transcript of the 2 trials commencing on 5 June 1985 and 14 April 1986 respectively concerning the Honourable Mr Justice Murphy.
3. All exhibits tendered in 1 and 2 above.
4. All other documentation relevant to the Commission's inquiry, namely "whether any conduct of the Honourable Lionel Keith Murphy has been such as to amount, in its opinion, to proved misbehaviour within the meaning of section 72 of the Constitution", including witnesses' statements, briefs and observations to Counsel, advices from Counsel, internal memoranda and any documents prepared for the purposes of cross-examination of the Honourable Mr Justice Murphy in the proceedings mentioned above.

Yours faithfully


D N Durack
Instructing Solicitor

11 June 1986



ATTORNEY-GENERAL'S DEPARTMENT

SECRETARY'S OFFICE

TEL: 71 9000


ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

11 June 1986

Mr D Durack
Instructing Solicitor
Parliamentary Commission of Inquiry
8th Floor
ADC Building
99 Elizabeth Street
SYDNEY NSW 2000

Dear David

Herewith copies of a self explanatory letter to Mr Roger Gyles QC and attachments.


FOR Pat Brazil
in his absence.



ATTORNEY-GENERAL'S DEPARTMENT

SECRETARY'S OFFICE

TEL: 71 9000

ROBERT GARRAN OFFICES
NATIONAL CIRCUIT
BARTON A.C.T. 2600

11 June 1986

Mr R V Gyles QC
Counsel
10th Floor
174 Phillips Street
SYDNEY NSW 2000

Dear Roger

I refer to your telephone discussion today with my Office and your earlier discussion with the Solicitor-General concerning the Opinion by Sir Garfield Barwick, then of Counsel, on, inter alia, 'misbehaviour'.

Attached is a copy of the Opinion sought by you. It is provided on the basis that it is to be used only in relation to the meaning of misbehaviour in section 72 of the Constitution, and not in relation to the other disparate matters referred to in the Opinion. However, I thought it more satisfactory to provide you with the whole Opinion rather than to seek to edit it so as to exclude those disparate matters.

As mentioned to you by the Solicitor-General, I will also be supplying a copy of the Opinion to Counsel assisting the Parliamentary Commission of Inquiry.

Yours sincerely



FOR Pat Brazil
in his absence

RE: SECTION 18 OF A BILL FOR THE RESERVE BANK ACT, 1957.

RE: SECTION 74 OF A BILL FOR THE COMMONWEALTH BANKS ACT, 1957.

see Vol 82
p. 1221.

RE: SECTION 85 OF THE SAID BILL.

RE: SECTION 36 OF A BILL FOR THE BANKING ACT, 1957.

The Commonwealth Bank Act, 1945-1953, by Sec. 13 provides that the Commonwealth Bank Board shall include seven members to be appointed by the Governor-General in accordance with the provisions of the section. Sub-section (4) of this section provides that such members who are not officers of the Bank or of the Public Service of the Commonwealth shall be appointed for a period of five years and shall hold office "subject to good behaviour". No provision is made in the Act for the removal of such members from office.

Sec. 14 of the Bill for the Reserve Bank Act, 1957, provides that the Reserve Bank Board, beside the Governor, Deputy Governor and Secretary to the Department of the Treasury, shall consist of seven other members appointed by the Governor-General. Sub-section (4) provides that a member so appointed, not being an officer of the Bank or of the Public Service of the Commonwealth, shall be appointed for a period of five years.

Sec. 18 provides that the Governor-General may terminate the appointment of a member of the Board so appointed "on account of misbehaviour", and sub-section (2) stipulates a number of circumstances in which the Governor-General shall be bound to terminate the appointment.

Sec. 72 of the Bill for the Commonwealth Banks Act, 1957, nominates the functions of the Development Bank established under Part VII of the Bill. These functions include the provision of finance for the purposes of primary production and the establishment or development of industrial undertakings, particularly small undertakings, where in the opinion of the

Bank it is desirable so to do, and the necessary finance on reasonable and suitable terms and conditions is not otherwise available.

Sec. 74 of the Bill gives to the Development Bank power to carry on banking business in order to execute its functions; and in particular power to receive money on deposit.

Sec. 85 of the Bill provides that the Treasurer may lend money to the Development Bank "out of moneys legally available".

Sec. 36 of the Bill for the Banking Act, 1957, gives power to the Reserve Bank to determine "the policy in relation to advances to be followed --

(a) by trading banks; and

(b) by savings banks,"

the power to include the giving of directions as to "the classes of purposes for which advances may or may not be made --

(a) by trading banks, and

(b) by savings banks."

QUESTIONS:- Having had these various provisions of the Bills called to my attention, I am asked the following questions with respect to them:-

1. Is there any significant difference between the two formulae relating to the tenure and termination of office of the members of the Commonwealth Bank Board under the Commonwealth Bank Act, 1945-1953, and that of the members of the Board of the Reserve Bank under the cited provisions of the Bill for the Reserve Bank Act, 1957?

2. What will be the criteria of misbehaviour under Sec. 18 of the latter Bill?

3. (a) Is the Governor-General's decision to terminate the employment of a member under Sec. 18 of the Bill examinable by a Court of Law?

(b) If such decision is examinable and found to be erroneous, what is the consequence --

(i) is the member declared never to have been out of office, or

(ii) does he merely become entitled to damages as for an unjustifiable exercise of the power of dismissal?

(c) If the member is declared never to have been out of office, what is the effect of such a declaration upon acts of the Board purported to be done during the period of the member's exclusion from the Board between the date of his dismissal and the date of his "reinstatement".

4. What period of time is likely to elapse between the date when the member's office is terminated by the Governor-General and the date when a Court finally disposes of the question of whether or not the member was rightly dismissed?
5. If the right to receive money on deposit which is given to the Development Bank by Sec. 74 of the Bill for the Commonwealth Banks Act, 1957, were limited to the receipt of non-interest-bearing deposits, would the Development Bank be any the less a bank, or the provisions of Part VII of the Bill be any the less a law on the subject of banking?
6. Are moneys standing to the credit of a trust account within the meaning of the Audit Act, 1901-1950, moneys "legally available" within the meaning of Sec. 85 of the Bill for the Commonwealth Banks Act, 1957?
7. Is it beyond doubt, upon the construction of Sec. 36 of the Bill for the Banking Act, 1957, that a directive by the Reserve Bank could not discriminate between private trading banks and the Development Bank?
8. Are there any restrictions in the Bills to which reference is above made on the amount which the Commonwealth Savings Bank or the Commonwealth Trading Bank can lend to the Development Bank?

.....

Questions 1 - 4 inclusive:

Comparison of Sec. 13 of the Commonwealth Bank Act, 1945-1953, with Sections 14 and 18 of the Bill for the Reserve Bank

Act, 1957, makes it apparent that significant changes are being sought in the manner of termination of the office of those members of the Bank Board who are appointed by the Governor-General and are not officers of the Bank or members of the Public Service of the Commonwealth. But the full extent of the change is not readily determinable and nice questions arise.

Under the formula in Sec. 13 of the Commonwealth Bank Act, 1945-1953, the member is appointed to hold office for a term subject to good behaviour. This is a time honoured formula of which the import and consequences are fairly well known and established: for offices held during good behaviour have been known to the law for centuries. Sometimes, as in the case of the Judges of the High Court, the office is held during good behaviour and subject to a power of removal upon an address to the Crown by both Houses of the Parliament; but on other occasions no such provision for removal is made.

Where the office is held subject to good behaviour, with no express provision for removal from office of the incumbent, the Executive is unable of its own motion to terminate the office. The inquisitorial and judicial jurisdiction of the House of Lords not having been given to either House of the Federal Parliament, either by Sec. 49 of the Constitution or otherwise, proceedings before and by a Court of Law are necessary to effect the removal. Such proceedings may take the form of criminal information or of a proceeding in the nature of quo warranto, and possibly of a suit for an injunction. But, in any case, those challenging the member's right to retain office must distinctly allege and give evidence of the breach of the condition of good behaviour upon which reliance is placed for the proposition that the member has forfeited his office. It goes without saying that to such proceedings the member must be respondent and be given full opportunity to present his defence.

Good behaviour in this connection refers to the conduct of the incumbent of the office in matters touching and concerning

the office and its due execution, though the commission of an offence against the general law of such a nature as to warrant the conclusion that the incumbent is unfit to exercise the office would be a breach of the condition of good behaviour even though the offence itself was unrelated to the duties and functions of the office.

Under the section of the Bill for the Reserve Bank Act, 1957, the Executive may itself terminate the member's incumbency without prior notice and without the necessity for any Court proceedings at all. Instead of an appointment for a term subject to a condition of good behaviour, the member's appointment is for a term without condition but subject to the power in the Executive of instant termination "on account of misbehaviour".

There is, in my opinion, no significant difference between a condition of good behaviour and a condition against misbehaviour. Indeed, in the older books the word "misbehaviour" is often used as synonymous with a breach of good behaviour. Thus the "misbehaviour" in the Bill will be held to refer to conduct touching and concerning the duties of the member in relation to the office, but will also include acts in breach of the general law of such a quality as to indicate that the member is unfit for office.

However, although the conduct which would amount to misbehaviour is the same, and subject to the same criteria, as conduct which would amount to a breach of a condition of good behaviour, in the case of the Bill, the Executive is clearly given power to decide, at least in the first instance, whether the conduct in question does satisfy those criteria. It is authorised to act upon its own view and to terminate the appointment out of hand. In passing, it might be mentioned that the expression "on account of misconduct" may be said to be no more than the equivalent of "for misconduct", or it may be said to indicate that the ground of termination is rather the

Executive's view of the matter than the objective fact.

If the member whose appointment is thus summarily terminated has any rights, it is clear, in my opinion, that he would be in a much less advantageous position than a member of the existing Bank Board whose incumbency was impeached on the footing that he had broken the condition of good behaviour; and this in a number of respects.

In the first place, the Executive under the Bill would not be required to nominate and inform the member of the precise conduct which was being treated as misbehaviour. The termination would be quite good without any such information being given, however much such a course would excite criticism. By comparison, as already indicated, under the existing law, a member of the Bank Board would be made respondent to proceedings in which the specific matters were distinctly alleged, and at least prima facie proof of them given.

Secondly, under the Bill the member would have to take proceedings himself either in the High Court of Australia or in a Supreme Court of one of the States. In such proceedings it would be upon him to evidence the error or the invalidity of the termination of the appointment. No doubt at some stage of the matter a Court would order particulars of the misbehaviour; but the exact degree of particularity which the Court would require the Executive to afford the member would depend upon the discretion of the Court itself.

Thirdly, in proceedings brought by a member whose appointment had been terminated, the decision of the Executive to terminate the employment would be regarded, in my opinion, as prima facie correct, so that in substance the onus would be upon the member throughout to establish the error or invalidity of the termination. If the ground of the misbehaviour related to the fulfilment or non-fulfilment, or to the manner of the fulfilment, of the member's duties as a member of the Reserve Bank Board, the views of the Executive must necessarily weigh

heavily with the Court, and are like to make the discharge by the member of the onus resting upon him particularly difficult.

But a more difficult question which the provisions of the Bill raise is whether the decision of the Executive to terminate the employment would be examined at all by the Courts, and also to what end it would be examined. I hold the view myself that the decision would be examinable. But I cannot say that the contrary is unarguable. When one bears in mind that the misbehaviour may relate to the determination of monetary and banking policy, and to its determination in relation to such matters as the stability of the currency, the maintenance of full employment in Australia, and the economic prosperity and welfare of the people of Australia (see Sec. 10), the Court might well say that it is not equipped with the necessary knowledge to enable it to pass judgment on the decision of the Executive, and that it cannot be furnished with such knowledge without an unwarranted and undesirable invasion of the secrets of the Crown. One could imagine the question of the termination of the appointment of a member arising in times of national crisis involving international complications where a Court may be disposed, as in war time, to decline to enter into a discussion of matters of national policy. However, as I say, for my own part, I think the decision to terminate the employment one which the Court would examine.

If the Court did enter upon a review of the decision of the Executive to terminate the employment, to what end would it do so? Would it do so in order to determine that the decision was invalid so as to be void at law, or would it do so merely to see whether it was erroneous, giving rise to rights of compensation merely? This to my mind is a question of some difficulty. My inclination is to think that the only consequence which would flow from the Court's view that the action of the Executive was unwarranted would be that the member would be entitled to compensation. In my opinion, upon such consideration as the

time allowed me has permitted, the words "on account of misbehaviour" in Sec. 18 are not intended to condition the validity of the termination, but merely its propriety. One is the more inclined to take this view when it is observed that there are no provisions in the Bill which go the length of giving full de jure effect to all the de facto acts of persons purporting to act as the Board. Sec. 87 of the Bill is of a very limited nature and does not go to this extent. Consequently invalidity in the termination, as distinct from error, would leave the member in office throughout, with the possible consequence that his absence or exclusion from the work of the Board in the meantime might invalidate some of its transactions. Also, the same formula as used in Sec. 18 is used in such sections as Sec. 79 of the Bill for the Commonwealth Banks Act, 1957. In this latter section I would have no doubt that the termination of the appointment of the General Manager of the Development Bank would be fully effective although in point of fact he had not been guilty of misbehaviour and the Executive was in error in thinking that he had.

He would be in the situation of a servant who had been wrongfully dismissed: but he would be unable to take up the position that he was still in the employment of the Bank as its General Manager. Thus, whereas under the existing Commonwealth Bank Act a member of the Bank Board holds office with no provision for removal except such as the general law affords, the provisions of the Bill for the Reserve Bank Act seem rather to approximate the position of a member of that Bank's Board to that of an employee whose employment is capable of being wrongfully terminated, with no greater consequence than a claim in damages. In my opinion the expression "on account of misbehaviour" does not mean that proved misbehaviour is a prerequisite to the validity of a termination of the office of a member. It is no more than a limitation on the power of summary termination so as to make a termination without proved misbehaviour wrongful. By "proved" in this connection I mean

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objectively existing in contrast with the mere opinion of the Executive.

Having thus discussed the matter, it will be convenient if I now answer questions 1 to 4 inclusive as follows:-

1. Yes. There are obvious differences which are significant, but in addition there may be further differences which could only be resolved by definitive construction of the proposed provisions by a Court of Law.

2. They will be the same as the criteria of good behaviour in the formula "hold office during good behaviour". The behaviour will be behaviour in relation to the office or in relation to the general law where its breach would indicate that the person was unfit for the office.

3. (a) In my opinion the decision of the Executive is examinable.

(b) In my opinion if a Court differed from the Executive as to the fact or quality of the suggested misbehaviour,

(i) the member would not be declared never to have been out of office, but

(ii) would merely be given compensation as for a wrongful or erroneous exercise of the power of termination

(c) In my opinion acts of the Board between the date of the termination and the date of the decision of the Court would be nonetheless valid and effective, though the Court was of the opinion that the termination was wrongful.

It might be otherwise if, contrary to the view expressed by me, it was held that the absence of misbehaviour rendered the termination invalid as distinct from merely erroneous.

4. This question can only be answered with limiting times and even those times would depend very much upon the course of the litigation. I can only say that the litigation could take more than twelve months. Indeed, it would only

terminate within that time with goodwill and co-operation between the contesting parties.

Questions 5 and 6:-

It was said in The Commissioners of the State Savings Bank of Victoria v. Permewan Wright Ltd., 19 C.L.R. 457, that the "essential characteristics of the business of banking are the collection of money by receiving deposits upon loan repayable when and as expressly or impliedly agreed upon and the utilization of the moneys so collected by lending it again in such sums as are required". This was said in a contest as to whether it was an indispensable attribute of a Bank that its customers should be able to draw cheques upon it. The answer of the majority of the High Court was that it was not, but that the receipt of money upon deposit, and its use by way of loan, was sufficient to make the institution a bank for the purpose of the Victorian Instruments Act, 1890, and of the Commonwealth Bills of Exchange Act, 1909.

The case of The Melbourne Corporation v. The Commonwealth, 74 C.L.R. 1, was concerned chiefly with the question of the meaning of State banking in Sec. 51, paragraph (xiii), of the Constitution. It was not really concerned with what were the indispensable attributes of an institution which was either to be a "bank" in general parlance or to fall within the Constitutional power with respect to banking.

In Heiner v. Scott, 19 C.L.R. 381, the power to establish and incorporate a Government bank was placed rather upon acceptance of the doctrines of McCulloch v. Maryland, 17 U.S. 316, than upon the banking power. In the American case, the Bank of the United States was justified as an instrument essential to the fiscal operations of the Government.

The cases to which I have thus briefly referred do not resolve the question of the limits of the Constitutional power on the subject of banking. It seems to me it would now be too

narrow a view of that power to hold that an institution such **574** /
as the Development Bank could not be established to perform
the functions designated by Sec. 72 solely with money provided
by the Government. However, it is unnecessary for me to resolve
that question in order to answer the enquiry which is presently
made of me, which is whether it is indispensable that an
institution to be a Bank should pay interest on the moneys it
receives by way of deposit. In my opinion the answer to that
is quite plain. If the institution would otherwise be a bank
by receiving moneys on deposit at interest and lending them out
at other rates of interest, it will be nonetheless a bank for
the reason that it does not pay either as much interest as banks
usually do on such deposits, or indeed, for that matter, no
interest at all. It would be an odd conception that a bank
licensed as such under the Banking Act, 1945, could, by forming
a wholly owned subsidiary in which it deposited money without
interest and which the subsidiary lent at interest, obtain
immunity for the subsidiary from banking legislation.

Sec. 85 of this Bill gives the Treasurer power "out of
moneys legally available" to lend to the Development Bank such
sums as are agreed upon. Sec. 83 of the Constitution provides
that no moneys shall be drawn from the Treasury except under
appropriation made by law, and under Sec. 81 all revenues of the
Commonwealth form one consolidated revenue fund to be approp-
riated for purposes of the Commonwealth. The Audit Act, 1901-
1950, by Sec. 62A allows the Treasurer to establish trust
accounts and defines the purposes for which they are established.
Sub-section (5) nominates the moneys which may be paid to the
credit of the trust account and includes moneys appropriated
by law for the purposes of a trust account. Those trust
accounts have received judicial recognition. See New South Wales
v. The Commonwealth, 7 C.L.R. 179.

Section 62B of the Audit Act allows the Treasurer to
invest moneys standing to the credit of the trust fund in

Government securities or on deposit in any bank. Having referred to the discussion on the question of interest which immediately precedes this paragraph, I ought to mention in passing that the power under Sec. 62B is a power of investment and that it would hardly authorise the Treasurer to deposit money not at interest. However, subject to that question, moneys standing in a trust fund under the Audit Act, are, in my opinion, "moneys legally available to the Treasurer" within the meaning of that expression in Sec. 85. The Treasurer may, in his discretion, deposit such moneys with the Development Bank at interest - such deposit being, in my opinion, a loan within the meaning of the word "lend" in Sec. 85.

I can now conveniently answer the next group of questions, namely:-

5. No.

6. Yes.

Questions 7 and 8:-

Sec. 36 of the Bill for the Banking Act, 1957, contains no express provision forbidding discrimination or unequal treatment by the Reserve Bank in the giving of the directives which the section authorises. On the other hand, Sec. 25 of the Bill does contain provisions which would preclude any such discrimination or unequal treatment in the exercise of the powers to which that section relates. However, in my opinion, the very terms of Sec. 36 require uniformity of treatment by the Reserve Bank in the giving of directives as to advance policy, either generally or as to any particular class of purpose for which advances are or might be made. After all, the section is dealing with the matter of policy and it gives power to determine the policy to be followed by, e.g., Trading Banks. This means, in my opinion, by Trading Banks as a class. The form of the provision in the final words of sub-sections (1) and (2) that a Bank shall comply with the directions of the Reserve Bank tends in the same direction, for it contemplates

that directions will be given in a general form which are "applicable" to individual banks, rather than specifically given to a particular bank. I would not regard the terms of sub-section (3) (a) as any indication to the contrary of this view; although, of course, it might be said that it was quite an unnecessary provision if only directives as to general uniform policy could be given. I would regard this sub-section as merely emphatic and precautionary.

In Sec. 36, unlike other sections of the Bill, the expression "Trading Bank" includes the Development Bank. It is noticeable that Sec. 72 of the Bill for the Commonwealth Banks Act, 1957, describes one of the functions of the Development Bank as the provision of finance where it "would not otherwise be available on reasonable and suitable terms and conditions." Of course, if a directive under Sec. 36 precluded Trading Banks from making advances for a particular purpose or class of purposes, finance for that purpose would undoubtedly not be available. But the reference in Sec. 72 of the Bill for the Commonwealth Banks Act, 1957, is a reference to finance not being otherwise available on reasonable and suitable terms and conditions. I think the assumption of the section is that the finance is available but on unreasonable or unsuitable terms and conditions: and that the Development Bank is lawfully in a position to provide that finance. In my opinion, the Reserve Bank would not be authorised under Sec. 36 to give a directive as to policy and exclude from its operation the Commonwealth Development Bank.

Any apprehension which might be engendered by the absence of an express provision in Sec. 36 against discrimination in the giving of a directive could be removed by more explicit language in the section. Perhaps the insertion of the word "all" between "by" and "trading" would be sufficient, or some clear formula against discrimination or unequal treatment could be inserted

as a proviso: but those are matters with which I have no concern. My own opinion is that such a course is only necessary to place the matter beyond all doubt.

I am now in a position to answer the last group of questions, namely:-

7. I hold a firm opinion, myself, that no discrimination or unequal treatment is authorised, but I could not care to say that the matter is therefore beyond doubt. It is a question of construction, which I face in the abstract. Faced with it in some concrete circumstances, it may be that other minds could find difficulties which at the moment I do not see.

8. No.

(Sgd.) G. BARKICK

Chambers,

18th November, 1957.



PRESIDENT OF THE SENATE

PARLIAMENT HOUSE
CANBERRA

6 June 1986

Sir George Lush,
Presiding Member,
Parliamentary Commission of Inquiry,
GPO Box 5218,
SYDNEY. 2001.

Dear Sir George,

Thank you for your letter of 5 June 1986 concerning
the records of evidence given at the two Senate
Select Committees to which you refer.

I have made the necessary arrangements for these records
to be made available to the Commission and understand
that the material will be delivered to the Commission
in Sydney early next week.

Yours sincerely,

(Douglas McClelland)

DND

PARLIAMENTARY COMMISSION OF INQUIRY

DOCUMENTS IN POSSESSION OF D.N. DURACK AS AT 28 MAY 1986

1. Parliamentary Commission of Inquiry Bill 1986.
 2. Parliamentary Commission of Inquiry Bill 1986
- Explanatory Memorandum.
 3. Extract from House of Representatives Hansard - 8 May 1986.
(Includes 2nd Reading Speech).
 4. Extract from Senate Hansard - 8 May 1986.
 5. Report of Senate Select Committee on the Conduct of a Judge -
August 1984. (Includes Opinion by Solicitor General on meaning of
"Misbehaviour" in Section 72 of the Constitution).
 6. Report of Senate Select Committee on Allegations Concerning a Judge
- October 1984.
 7. Royal Commission of Inquiry into Alleged Telephone Interceptions -
Hon. Mr Justice D.G. Stewart - Volume I.
 8. Royal Commission of Inquiry into Alleged Telephone Interceptions -
Hon. Mr Justice D.G. Stewart - Volume II.
- (Confidential)
9. Copy letter and attached schedule dated 25 March 1986 from the
Honourable Mr Justice Stewart to the Honourable Mr Justice Murphy
(reply from Murphy J. referred to in Volume II at 8. above).
 10. Article National Times 9 - 15 May 1986 - "Questions Lionel Murphy
Should Answer".
 11. Working Paper on allegations made in National Times article at 10.
above.

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D.N. DURACK

28 May 1986