

IN-CONFIDENCE

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

FILE No.

C11 /

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TITLE MRS BEV CAINS -  
CORRESPONDENCE.

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FILE NO. C11



Australian Capital Territory  
House of Assembly

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

Dear Sir

In preparing a submission to the Joint Select Committee on Video Material, it was found that on 15 June 1973 the Department of Customs and Excise issued a memorandum purporting to instruct Customs officers to ignore pornography unless they could not avoid doing so, as in cases where a passenger "blatantly" attempted to conceal such material. The circular added, "For the time being there are to be no prosecutions under the Customs Act for offences involving pornography".


The Family Team was unable to ascertain the level at which this direction was taken. However, in view of the gravity of the direction and the circular's reference to Government policy, it appears that the decision would have had at least the concurrence of the responsible Minister. This was Senator L Murphy (as he then was), who was at the time both Attorney-General and Minister for Customs and Excise.

No action was taken to amend the Customs legislation so as to give Parliamentary sanction to the change in administrative practice. As the Mahoney Report (made in 1983) found, it was quite improper for the direction to have continued in force without action being taken to introduce validating legislation.

I submit that the Commission should establish whether Mr Justice Murphy was personally responsible for issuing a direction that the law of the land was to be ignored and, if this was the case, should consider whether this constituted misbehaviour and a ground for removal from the High Court.

If called upon, I would be pleased to assist the Commission in this matter.

Yours sincerely

  
(Mrs) Bev Cains MHA  
Leader of the Family Team

19 June 1986

✓  
2. In Charles  
ms Cox - for ackn. please  
2 Jill - new file C7(?)  
" Pornography - Alleged  
Direction to Customs Officers  
- ACT House of Assembly  
(Mrs B. Cains) "

PARLIAMENTARY COMMISSION OF INQUIRY

GPO Box 5218  
SYDNEY NSW 2001

Ph : (02) 232 4922

24 June 1986

Mrs Bev Cains MHA  
Leader of the Family Team  
Australian Capital Territory  
House of Assembly  
PO Box 158  
Canberra ACT 2600

Dear Mrs Cains,

This is to acknowledge receipt of your letter of 19 June 1986.

Yours sincerely,

J F Thomson  
Secretary