Parliamentary Commission of Inquiry
G.P.O. Box 5218,

**Title:** MRS BEV CAINS - CORRESPONDENCE

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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 pleased to assist the Commission in this matter.

Yours sincerely

(Mrs) Bev Cains MHA
Leader of the Family Team

19 June 1986
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 P Thomson
Secretary