IN-CONFIDENCE

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

FILE No. C.17 /

ARCHIVAL ACTION

FORMER PAPERS	LATER PAPERS

TITLE ALLEGATION NO 4.

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FILE No. C.17

MEMORANDUM RE MATTERS NUMBERED 4, 5, 7, 8, 9, 10, 12, 17, 19, 21, 22, 28, 29, 30, 31, 32, 34, 35, 37, 38, 41.

Matters Raised with Counsel Assisting but not Drawn as Specific Allegations in Precise Terms.

This memorandum deals with 21 matters which in the opinion of those assisting the Commission could not or, after investigation, did not give rise to a prima facie case of misbehaviour within the meaning of Section 72 of the Constitution. It is therefore proposed that these matters not be drawn as specific allegations in precise terms and that there be no further inquiry into them.

Matter No.4 - Sala

This matter involves an allegation that the Judge, whilst Attorney-General, wrongfully or improperly ordered the return to one Ramon Sala of a passport and his release from custody.

All the relevant Departmental files have been examined as also has been the official report of Mr A.C. Menzies.

The available evidence supports the conclusion of Mr Menzies that there was no evidence of any impropriety on the Judge's part. While it is true to say that there was room for disagreement about the directions given by the Judge and that the Australian Federal Police objected to the course taken, the action by the Judge could not constitute misbehaviour within the meaning of Section 72 of the Constitution. We recommend that the matter be taken no further.

Matter No.5 - Saffron surveillance

This matter consisted of an allegation that the Judge, whilst Attorney-General and Minister for Customs and Excise, directed that Customs surveillance of Mr A.G. Saffron be downgraded. The gravamen of the complaint was that the Judge had exercised his Ministerial powers for an improper purpose.

This matter was the subject of a Report of Permanent Heads on Allegations in the National Times of 10 August 1984. That Report pointed out, as an examination of the files of the relevant agencies confirms to be the case, that apart from one document entitled "Note for File" prepared by a Sergeant Martin

on 30 January 1975 there was no record of any Ministerial direction or involvement in the matter. That note for file attributed to a Kevin Wilson the statement that the A-G had directed that Saffron was not to receive a baggage search. When interviewed by the Permanent Heads Committee, Mr Wilson said that in all his dealings with the matter he believed that the direction came from the Comptroller-General. The conclusions of the Report of Permanent Heads appear at paras 45 and 46. Those conclusions were that the decision to reduce the Customs surveillance of Saffron to providing advice and travel details was reasonable and appropriate and that it was more probable than not that the decision to vary the surveillance of Saffron was made by the then Comptroller-General. This, it was concluded, did not rule out the possibility that the Minister spoke to the Comptroller-General who may have reflected the Minister's views when speaking to a Mr O'Connor, the officer in the Department who passed on the directions to the police.

It is recommended that the Commission proceed in accordance with Section 5(3) of the Parliamentary Commission of Inquiry Act and, having regard to the conclusions of the Permanent Heads Inquiry, take the matter no further.

Matter No.7 - Ethiopian Airlines

This matter was the subject of questions in the Senate in late 1974 and 1975. The contention was that the Judge, whilst Attorney-General, behaved improperly by accepting free or discounted overseas air travel as a result of his wife's employment with Ethiopian Airlines. Investigation revealed nothing improper in the appointment of Mrs. Murphy as a public relations consultant nor in the fact that in lieu of salary she acquired and exercised entitlements to free or discounted travel for herself and her family.

Whatever view one may take as to the propriety of a law officer accepting free or discounted travel in the circumstances set out above, the facts disclosed could not, in our view, amount to misbehaviour within the meaning of Section 72 of the Constitution and accordingly we recommend the matter be taken no further.

Matters No.8 and 30 Mrs Murphy's diamond; Quartermaine - Moll tax evasion.

These matters were the subject, in late 1984, of questions in

the Senate. It was alleged that the Judge had been involved, at some stage during or prior to 1979, in a tax avoidance scheme in Western Australia involving one Christo Moll, Murray Quartermaine and others and that Mrs Murphy had either purchased or been given a diamond by Moll.

Material was provided to the Commission in support of these claims and consisted of two diamond valuation certificates, a cheque butt of Moll's with the name Mrs L Murphy and a letter dated 18 June 1979 allegedly written by a Dr Tiller, one of the participants in the scheme, to Quartermaine, implicating the Judge in their activities.

These matters were investigated by the Commission and those investigations confirmed the conclusion to which the Australian Federal Police had earlier come that the documentation provided in relation to the alleged diamond was unreliable and in all likelihood false and that the letter from Dr Tiller was probably false and possibly written by Moll to discredit Quartermaine.

In the light of these circumstances it is in our view impossible to conclude that there is any prima facie evidence

of misbehaviour within the meaning of Section 72 of the Constitution and we recommend that the matters be taken no further.

Matter No.9 - Soviet espionage

Two individuals jointly made the claim that the Judge was a Soviet spy and a member of a Soviet spy ring operating in Canberra. This allegation was supported by no evidence whatever and rested in mere assertion of a purely speculative kind.

We recommend that the Commission should make no inquiry into this matter.

Matter No.10 - Stephen Bazley

Information was given to those assisting the Commission that Stephen Bazley had alleged criminal conduct on the part of the Judge. The allegation was made in a taped interview with a member of the Australian Federal Police and was that the Judge wanted Bazley to "knock out" George Freeman. Bazley said that the request had been passed on to him by a named barrister on an occasion when, according to Bazley, he and the barrister went to the Judge's home in Sydney.

The New South Wales Police had investigated this allegation in 1985 and the staff of the Commission was given access to the relevant New South Wales Police records.

Those records showed that the conclusion of the police investigation was that the allegation was 'a complete fabrication' and that further enquiries would be a 'complete waste of time'. These conclusions were based on Bazley's lack of credibility, his refusal to assist the New South Wales Police in their inquiry into this allegation, his refusal to adopt the statement he had made to the Australian Federal Police and the clear and comprehensive denial by the barrister in a signed statement that he had or would have spoken to Bazley in the terms alleged. Indeed the barrister said that he had met Bazley only twice, once when he had acted for him and once when Bazley had approached him in public and the barrister had walked away.

There being no material which might amount to prima facie evidence of misbehaviour within the meaning of Section 72 of the Constitution we recommend the matter be taken no further.

Matter No.12 - Illegal immigration

It was alleged that the Judge had been involved in an organisation for the illegal immigration into Australia of Filipinos and Koreans. It was not made clear in the allegation whether the conduct was said to have taken place before or after the Judge's appointment to the High Court. No evidence was provided in support of the allegation.

Those assisting the Commission asked the Department of Immigration for all its files relevant to the allegation. Examination of the files provided to the Commission revealed nothing to support the allegation; neither did inquiries made of the New South Wales Police which had made some investigations into the question of the involvement of Ryan or Saffron in such a scheme.

There being no material which might amount to prima facie evidence of misbehaviour within the meaning of Section 72 of the Constitution we recommend the matter be taken no further.

Matter No.17 - Non-disclosure of dinner party

This matter involved an assertion that the Judge should have come forward to reveal the fact that he had been present at a dinner attended by Messrs Ryan, Farquhar and Wood once it was alleged that there was a conspiracy between Ryan, Farquhar and Wood. It was not suggested that what occurred at the dinner was connected with the alleged conspiracy; neither was there evidence of a public denial by any of Messrs Ryan, Farquhar and Wood of the fact that they knew each other.

In the absence of such suggestion or denial there would be no impropriety in the Judge not coming forward to disclose the knowledge that he had of such an association. The absence of action by the Judge could not constitute misbehaviour within the meaning of Section 72 and we recommend that the Commission should do no more than note that the claim was made.

Matter No.19 - Paris Theatre reference, Matter No.21 - Lusher reference, Matter No.22 - Pinball machines reference

These matters came to the notice of the Commission by way of

the so-called Age Tapes transcripts (Volume T1A, p.22 - 20 March 1979, Volume T1B, pps. 107-108, 7 February 1980). On the hypothesis that the transcripts could be proved, there were several conversations between the Judge and Morgan Ryan which included observations by the Judge first, that there was something in the newspaper about the Paris Theatre and that Ryan should know "what's bloody well on"; second, a conversation in which a discussion occurs about "every little breeze" and "the Lush or is it going to be the three board of ..."; and, third, a conversation where Ryan asked the Judge not to forget those " pinball machines ... ".

These three matters, to the extent they suggest a continuing and close relationship between the Judge and Ryan are covered by Allegation No.40.

These conversations could also lead to the inference that the Judge was involved in various kinds of sinister activities with Ryan. However, since they consist only of cryptic references not capable of investigation as allegations of substance, it is recommended that, except as part of Allegation No.40, these matters should merely be noted by the Commission but not investigated further.

Matter No.28 - Statement after trial

This matter was referred to in the House of Representatives (see pages 3447-8 of House of Representatives Hansard of 8 May 1986).

It was suggested that the Judge's comments, made immediately after his acquittal, that the trial was politically motivated constituted misbehaviour.

We submit that the conduct alleged could not on any view constitute misbehaviour within the meaning of Section 72 of the Constitution and that the Commission should merely note that the matter was brought to its attention.

Matter No.29 - Stewart letter

This matter was referred to in the House of Representatives (see p. 3448 of the House of Representatives Hansard of 8 May 1986).

Mr. Justice Stewart, in the course of the Royal Commission of

Inquiry into Alleged Telephone Interceptions, sent a letter to the Judge which contained seven questions. The letter was sent to the Judge in March 1986 shortly before the Judge was due to be re-tried. It was suggested that the Judge's failure to respond to that letter constituted misbehaviour.

The view has been expressed (Shetreet, Judges on Trial, p 371) that the invocation by a judge of the right to remain silent "was an indication that his conscience was not clear and he had something to conceal. Such a judge could not properly continue to perform his judicial functions without a cloud of suspicion." Nevertheless, we submit that in the particular circumstances of this case the conduct alleged did not constitute misbehaviour within the meaning of Section 72 of the Constitution and that the Commission should merely note that the matter was brought to its attention.

Matter No.31 - Public Housing for Miss Morosi

It was alleged that in 1974 the Judge requested the Minister for the Capital Territory to arrange for Miss Morosi to be given priority in the provision of public housing.

We submit that the conduct alleged could not on any view constitute misbehaviour within the meaning of Section 72 of the Constitution and that the Commission should merely note that the matter was brought to its attention.

Matter No.32 - Connor view of the Briese matter

(See attached memorandum of M. Weinberg and A. Robertson dated 16 July 1986).

Matter No.34 - Wood shares

This matter consisted of an allegation that in the late 1960s the Judge, whilst a Senator, was given a large parcel of shares by another Senator, Senator Wood. The inference the Commission was asked to draw was that there was something improper in the transaction.

The allegation was supported by no evidence whatever. As the former Senator who allegedly gave the Judge the shares is now dead and the shares cannot be identified, we recommend that the Commission should do no more than note that the claim was made.

Matter No.35 - Soliciting a bribe

It was alleged that in 1972 or 1973 the Judge, whilst Minister for Customs and Excise, solicited a bribe from Trevor Reginald Williams. Williams was at the time involved in defending a customs prosecution and he asserted that the Judge offered to "fix up" the charges in return for the payment of $2000.00.

Williams was interviewed but the facts as related by him did not, in the view of those assisting the Commission, provide any evidence to support the claim.

There being no material which might amount to prima facie evidence of misbehaviour within the meaning of Section 72 of the Constitution we recommend the matter be taken no further.

Matter No.37 - Direction concerning importation of pornography

There were two allegations concerning the same conduct of the Judge whilst he was Attorney-General and Minister for Customs and Excise.

The allegations were that in 1973 the Judge had issued a direction that Regulation 4A of the Customs (Prohibited Imports) Regulations, as they then stood, should be ignored with the result that pornography was imported without any written permission and thereby contrary to the regulations.

Investigations showed that the direction emanated from a meeting in June 1973 between the then Senator Murphy and senior officials of his Departments, the Attorney-General's Department and the Department of Customs and Excise. The direction given was under the hand of a G E Sheen for the Comptroller-General and was in terms that "customs resources engaged in screening imported goods should be primarily concerned with the detection of prohibited imports other than material which offends Regulation 4A ... For the time being there are to be no prosecutions under the Customs Act for offences involving pornography."

The direction resulted from the Attorney-General agreeing with proposals in a departmental paper on censorship policy. At that time it was proposed by the Government that the regulations be amended to correspond with Government policy.

It was noted in the Minutes of the meeting in June 1973 that the Attorney-General agreed that it would be necessary to compromise in the implementation of policy in order to meet the requirements of the current law.

The direction was continued until the amendments to the legislation were made in February 1984.

We submit that there is no conduct disclosed which could amount to misbehaviour within the meaning of Section 72 of the Constitution. We recommend that the matter be taken no further.

Matter No.38 - Dissenting judgments

A citizen alleged that the Judge through "continued persistence in dissenting for whatever reason, can engender towards him such disrespect as to rank his performance to be that of proved misbehaviour".

We submit that the conduct alleged could not on any view constitute misbehaviour within the meaning of Section 72 of the Constitution and that the Commission make no inquiry into this matter.

Matter No.41 - Comment of Judge concerning Chamberlain committal

In answer to questions put to him in cross-examination during the Judge's second trial, Mr Briese SM gave evidence that the Judge had commented on the Chamberlain case. The context of the comment was that a second coroner had, that day or recently, decided to commit Mr and Mrs Chamberlain for trial on charges relating to the death of their daughter. The Judge's remark was to the effect that the decision by the Coroner was astonishing.

It was suggested that this conduct by the Judge might amount to misbehaviour in that it was a comment upon a matter which might, as it did, come before the Judge in his judicial capacity: it was therefore, so it was said, improper for the Judge to make known to Mr Briese his view of the decision to commit for trial.

We submit that the Chamberlain case was a matter of general notoriety and discussion, that the Judge's comments were very

general in their terms and that therefore the Judge's conduct could not amount to misbehaviour within the meaning of Section 72. We recommend that the matter be taken no further.

[redacted]

S.Charles

[redacted]

M. Weinberg

[redacted]

A. Robertson

[redacted]

D. Durack

[redacted]

P. Sharp

[redacted]

A. Phelan

21 August 1986

MEMORANDUM RE ALLEGATION NO 32

We have been invited to draft an allegation based upon the views of Mr Xavier Connor in his report to the second Senate Committee in 1984. In that report, Mr Connor suggested that even if it could not be shown that the Judge intended that Briese approach Jones with a view to inducing Jones to act otherwise than in accordance with his duty, the mere act of inviting Briese to make enquiry of Jones as to how the case against Morgan Ryan was progressing might amount to misbehavour within the meaning of Section 72 of the Constitution. The difficulty which we have in drafting an allegation along those lines arises from Section 5 (4) of the Parliamentary Commission of Inquiry Act 1986. That sub section provides the Commission shall not consider -

a) the issues dealt with in the trials leading to the acquittal of the Honourable Lionel Keith Murphy of certain criminal charges on 5 July 1985 and 28 April 1986 and, in particular, the issue of the Honourable Lionel Keith Murphy's guilt or innocence of those charges; or

b) whether the conduct to which those charges related was such as to constitute proved misbehaviour within the meaning of Section 72 of the Constitution except to the extent that the Commission considers necessary for the proper examination of other issues arising in the course of the Commission's inquiry.

It is plain that there is a difference between the version given by Briese of the relevant conversation and that given by the Judge. That difference was fully explored during the course of the Judge's trials. It is impossible to know whether the jury which acquitted the Judge at his second trial did so merely because they were not satisfied that he had the requisite intent to pervert the course of justice, or because they were not satisfied that Briese's version of the conversation was correct. On any view the content of that conversation is central to the charge as laid against the Judge and ultimately disposed of by his acquittal. It seems to us that to raise this matter as a specific allegation in precise terms is to breach Section 5 (4) in that the matter in question is "an issue dealt with in the trial leading to the acquittal" of the Judge in the relevant sense, and to consider it would be

to consider "whether the conduct to which those charges related" was misbehaviour. We consider that the Commission is not empowered to consider the Connor view of the Briese matter except to the extent that it considers it necessary to do so for the proper examination of other issues arising in the course of the inquiry. We recommend that Allegation No 32 not proceed.

[redacted]

M Weinberg

[redacted]

A Robertson

16 July 1986

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

RECEIVED 2 3 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.

[redacted]

A. ROBERTSON
for Secretary

21 July 1986

Australian Customs Service

Reply to the Comptroller-General

Quote

Edmund Barton Building
Canberra A C T 2600

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

Mr Deutsch DD
Further actions?
JS.
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

[redacted]

(F I Kelly)
Deputy Comptroller-General

8 July 1986

Registry Check
3/4/86.

NAME Ryan M.

Date	Source	Subject	File No.
5.9.75	Obin	Re complaint against Police Officer	75-20833

Form C & E 2174 (1/69)

25938/69....

NAME

MORGAN, RYAN J. BROCK

Date	Source	Subject	File No.
8-4-80		m-Reps - B.R Miles - Illegal export of messerschmidt aircraft	80-1951
1-1-80	Min Reps	Messerschmidts 109.	80-102

B243(1.77)

C. J. THOMPSON, Commonwealth Government Printer

10706/79—L

NAME SAFFRON A.G.

Date	Source	Subject	File No.
22.3.78	(Conf)	Companies: Securities: Inquiries re Companies Controlled	78 1446

B243(1.77)

Australian Customs Service

Reply to the Comptroller-General

Quote

Edmund Barton Building
Canberra A C T 2600

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

[redacted]

(F I Kelly)
Deputy Comptroller-General

8 July 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. 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"

[redacted]

....

DAVID DURACK WITNESS

DATE: 4 July 1986

Memo to: Mr. S. Charles QC
Mr. M. Weinberg
Mr. D. Durack
Ms. Sharp
Mr. A. Phelan
Mr. F. Thomson

From: Mr. A. Robertson

Allegation that Murphy J. as Attorney-General wrongfully or improperly ordered the return to one Ramon Sala of his passport and his release from custody.

The original of the Attorney-General's Department file dealing with this matter has now been obtained. The originals of various files from the Commonwealth Police Force, the Australian Federal Police and the Department of Immigration have been provided by the Office of the Director of Public Prosecutions.

I propose to start with the Attorney-General's Department file, since it is the actions of the then Attorney-General which are important.

His state of knowledge was, of course, not necessarily the same as that of the policemen investigating Mr Sala.

The Attorney-General's Department file shows that on 27 May 1974 a telegram from Morgan Ryan and Brock, Solicitors, was received presumably in the Attorney-General's Office in Parliament House. The text of the telegram was as follows:

> Urgent...Honourable L.K. Murphy Atorney General, Commonwealth of Australia, Parliamnent House, Canberra ACT.
>
> Sir, urgent attention please direct immediate release nd deportation of Ramon Sala held in Long Bay Gaol fines having been paid and the Courts orders of 24/5/74 otherwise fulfilled... Morgan Ryan and Brock Solicitors.

The telegram is marked to the Secretary for "Advice to Minister

– urgent". It was received in the Attorney-General's Department itself at 10.00 am on 20 May 1974. It was marked to Mr Watson.

The next folio on the file contains notes, perhaps by one of Mr Watson's officers, of inquiries that were made. These notes read:–

> Ramon Sala Darlinghurst Court Tuesday and Wednesday and Thursday 22, 23, 24 May. Judge ordered payment of heavy fine and deportation. Charges. 4.15 pm Judge Leslie 24 May (Friday) breach of banking and For Exch Regs and two section 233 of the Customs Act. Fined $6,000. Actually four charges $150.00 each charge. 2 oz cannabis. Paid $6,600 H 23879 Sherriff's Office King St. Deportation order made by judge, Forfeiture of currency $36,000 Pol. outcast

The next folios appear to be in the handwriting of Mr A. Watson. The first document is headed S/C Boyle and its text is :–

> There was no charge of false passport laid. CPF and (?) Fr thought that passport false and RS agreed that it was – was prepared to plead guilty.
>
> Donald asked to lay charge under Migration Act Section 42, but said that Deportation order made on 10 May and so no further charges should be laid.

The next document, also undated, is headed A–G. The text is as follows

> His passport is to be returned. Instructions were given to Mahoney who agreed that this be done.
>
> Sala is to be deported forthwith – he is not to be held any longer. He should have gone Monday and is to spend no more time in jail.
>
> FM = Armstrong was informed of AG's views and AG told that Immigration had the matter in hand – <u>that's all</u>.
>
> Tell REA of what transpired this morning and let the AG know. We are not to have a head – on with Immigration. It's their business.
>
> Arrested 28 April when attempting to leave Australia. In custody throughout. Bail not sought.

The next document, also undated but in the same hand is as follows:-

> Big time drug runner. Spanish papers - not his probably his (?) courier.
> Miles and Morgan Ryan
> Deliberately forfeited $36,000
> Desperate to get to Bombay ? drug storage there
> Charge drafted - Donald of Immigration declined because deportation order had issued 10 May 1974 - allegedly at Commonwealth Police request was withdrawn - CPF deny
> So no prison sentence S/C Brodie and S/C Boyle
> Policy is not to put in Immigration charges when deportation.
> Sala originally said no objection to Spain - changed?
> Passport (?) with Brodie - drawn to attention of French.

The next document also apparently in the same handwriting has a number of notes dealing with other matters and then continues:-

> Ramon Sala Tuesday, Wednesday and Thursday, Friday, Order for deportation. Deportation order - will be implemented as soon as travel documents are in order. $36,000 cannabis in luggage at Mascot. District Court $6,000 taking currency out $150 x 2 attempting export 2 possession of prohibited substance. French passport (born in Spain) as substituted pages? Returned to France? Visitors visa. Getting documents from Spaniards. Inspector Dixon - Bert Treloar: large sum of money offering for his early departure: before trial. Political exile from Spain - info given to Immigration.

The next document on the file is a typescript of a telex message which reads as follows:-

> I confirm our oral advice that the Attorney-General has directed that Sala's passport be returned to him and that Sala be allowed to leave Australia as soon as practicable.
>
> Understand that Sala's solicitors have booked a flight for him tomorrow.
>
> Would be grateful for advice in due course of result of Interpol inquiries.

The telex was sent on 29 May 1974.
Chronologically the next document is a memorandum dated 29 May 1974 from A.R. Watson for the Secretary of the Attorney-General's Department to the Secretary to the Department of Immigration. That memorandum is as follows:-

Ramon Sala

1. I refer to my discussions with Mr McGinness of your Department concerning the proposed deportation of Sala.

2. I understand that Sala was arrested on 28 April 1974 and remained in custody until the conclusion of the proceedings against him in the District Court on 24 May 1974. On that day he was fined $6000 for an offence against the Banking (Foreign Exchange) Regulations and ordered to forfeit the $36,000 which he was detected in the act of taking out of Australia. In addition he was fined $150 on each of four charges relating to the possession of cannabis. All of the fines have been paid.

3. It appears that an order was made for his deportation on 10 May 1974 and that consideration is now being given to the execution of that order. I understand that you propose to effect the deportation when Sala's travel documents are in order. The passport on which Sala entered Australia has, I am informed, been discovered to be a forgery. Although Sala is Spanish the passport was French. Contrary to the statements Sala made last week he does not now, it appears, desire to return to Spain. It is now alleged that he is a political exile from Spain.

4. I discussed this matter with the Attorney-General this morning and he stated his firm view that Sala's passport ought to be returned to him forthwith. The Attorney-General is of the view that Sala should leave the country today.

5. The Attorney-General considers that if necessary Sala should be escorted to the airport and allowed to buy his own ticket out. In his view Sala has already been unnecessarily detained for two nights and he should not be held in custody any longer. Sala's passport is, I am informed, at present held by the Commonwealth Police who are conducting enquiries from Interpol for the purpose of establishing Sala's identity. In the course of those inquiries the attention of the French authorities in Australia has been drawn to the fact that the passport is a forgery.

6. I note the view expressed by Mr McGinness that the French would be extremely concerned if in these circumstances we were to return the passport to Sala and allow him to depart from Australia with it in his possession. Mr McGinness considered that it would be highly desirable that the Department of Foreign Affairs be informed of the return of the passport. I understand, however, that that Department sees no difficulties arising from the action contemplated.

> 7. I have conveyed the Attorney-General's views to the Commonwealth Police and will be glad if you will take all possible steps to expedite the conclusion of this matter.

The next document in chronological order is a note in handwriting dated 26 June as follows:

> Deportation order: Bert Treloar (733448) 10 May 1974 – based on decision by the Minister that day to cancel temporary entry permit. Section 7 of Migration Act. Order taken out because of possibility that he might not be convicted or only fined. Sort of insurance. Fairly common practice. Order in obeyance till 23 May 1974 when custody imposed after proceedings completed. Regarded his departure as voluntary. Release arranged 30 May 1974. Do not see this sort of departure as pursuant to the order – i.e. not deported (though order invoked for purposes of custody). Think Immigration has not got advice from AG's but that's the way it is regarded by Immigration. 21/6 Ryan solicitor approached Immigration about a document which had been impounded. Was informed that S would not be permitted to re-enter Australia.

Finally, there is a note, in response to a request of Mr Mahoney's that Sala left Sydney for Singapore on 30 May 1974 on Qantas flight QF1 on French passport No 25-168.

Those, it appears, were the only contemporaneous documents on the file of the Attorney-General's Department. There are now to be found on the file documents from the Australian Federal Police including a report by Inspector Dixon to the Commissioner together with attachments to that report. There is no great dispute as to the facts. It is clear that the Commonwealth Police were then of the view that Sala should not be released from custody. That view became more strongly held once Interpol had confirmed that the passport was false and once further investigations had been done by the Commonwealth Police which indicated the existence of a narcotic trafficking ring involving Sala. There is no indication that the Commonwealth Police or Australian Federal Police documents and reports were available to the Attorney-General's Department on or about 29 May 1974.

A fresh light on the allegation is cast by the statement of Senior Constable Gannell who on various occasions between late 1972 until 1975 was detailed to be a bodyguard for the then Senator Murphy. He says in his statement, which came from the Director of Public Prosecutions Office, as follows:-

> I am able to recall a discussion at which I was present during the time Senator Murphy was Attorney-General in relation to a man called Ramon Sala. This meeting took place in a room called the Members Lounge in Senator Murphy's Parliament House Office. The lounge was a room adjacent to the Member's or Senator's Office and formed part of his suite of rooms. During that period I was stationed in the lounge area. I recall that Senator Murphy, Commonwealth Assistant Police Commissioner John Donnelly Davies and Alan Carmody from the Department of Customs was there. I cannot recall whether there were other persons present although I have some recollection that the head of the Attorney-General's Department, Clarrie Harders may have been present. The people I have mentioned came out of Senator Murphy's private office and sat around in the lounge area discussing the Sala matter. They appeared to be debating whether Sala should be deported or charged. During the course of the meeting I was asked for my view by Senator Murphy. I said that I was unaware of the matter and was then given a brief outline of the facts by Senator Murphy. My recollection is that the Customs Department wanted Sala deported because of the cost of keeping him in gaol. My recollection is that the Commonwealth Police wanted Sala detained in Australia because he was a suspected drug trafficker and the police had been unable to prove his correct identity because the passport on which he had been travelling was false. I think that Mr Carmody put forward additional reasons for having Sala deported but I cannot recall them. At that time the body responsible for the investigation of narcotics offences was the Narcotics Bureau, which was part of the Customs Department.
>
> As stated earlier, I cannot recall whether Mr Harders attended this meeting. My recollection is that the Attorney-General's Department expressed a view in relation to Sala: I am unable to say whether it was at this meeting or in a subsequent minute to the Attorney. However my recollection is that the Attorney-General's view was that the charges were of a minor nature or that they could not be substantiated. I cannot recall how I became aware of this.

> My recollection is that I agreed with the Commonwealth Police view expressed by Davies that Sala should be kept in Australia. I also recollect that the matter was resolved by Senator Murphy agreeing to give the Commonwealth Police a specified period, perhaps about a week to pursue their inquiries in relation to Sala's identity and any evidence of him being involved in drug trafficking.
>
> Within about a fortnight of the conversation detailed above, I recall seeing a document from the Commonwealth Police Commissioner's Office setting out in about 4 or 5 pages a reply to representations made in respect of Sala by Morgan Ryan and Brock and annexing a copy of the solicitor's letter. I am uncertain, as I said earlier, whether Mr Harders was present at the meeting mentioned above. If he was not then my recollection of the Attorney-General's Department's views about the Sala matter are that they were expressed in an internal minute to the Attorney from that Department which I saw again within about a period of about 2 weeks of that meeting.

That part of the statement which refers to the Attorney giving the police more time is unsupported by the facts; Plainly there was insufficient time, as events happened, for such a course.

From the file of the Department of Immigration, Sydney, it appears that on 29 May 1974 Patricia Mullens, secretary to Senator Murphy, rang Mr B. Donald of the Department of Immigration in Sydney wanting to know what arrangements had been made for Sala's departure. Mr Donald advised her that Sala was to depart on 30 May and advised Mr Treloar of the conversation. Later that day, Morgan Ryan rang Mr Donald and told Mr Donald that he would arrange a booking (for Sala's departure)for the night of 30 May 1974.

Before turning to the report of Mr A.C. Menzies, it is probably worth setting out the relevant provisions of the Migration Act as that Act stood in May 1974.

> 7 (1) The Minister may, in his absolute discretion, cancel a temporary entry permit at any time by writing under his hand.
> 7 (3) Upon the ...cancellation of a temporary entry permit, the person who was the holder of the permit becomes a prohibited immigrant unless a further entry permit applicable to him comes into force upon that ... cancellation.
>
> 18 The Minister may order the deportation of a person who is a prohibited immigrant under any provision of this Act.

> 39(1) Where an order for the deportation of a person is in force, an officer may, without warrant, arrest a person whom he reasonably supposes to be that person, and a person so arrested may, subject to this section, be kept in custody as a deportee in accordance with sub-section (6)of this section.
>
> (6) A deportee may be kept in such custody as the Minister or an officer directs –
> (a) pending deportation, until he is placed on board a vessel for deportation;

Deportee" is defined in section 5(1) of the Act to mean a person in respect of whom a deportation order is in force. Section 27 of the Migration Act provided:

> 27(1) An immigrant who:
>
> (a)...
>
> (b)...
>
> (c) enters Australia after having produced to an officer, for the purpose of securing entry into Australia, a permit, certificate, passport, visa, identification card or other document which was not issued to him or was forged or was obtained by false representations,
>
> shall be deemed to be guilty of an offence against this Act punishable upon conviction by imprisonment for a period not exceeding six months.

In Part IV of the Migration Act the miscellaneous provisions are collected. Section 66 provides:

> A prosecution for an offence against this Act or the regulations, other than an offence under Part III of this Act, shall not instituted except by an authorized officer.

Part III of the Act deals with the immigration of certain children. Authorized officer is defined in section 5(1) "in relation to the exercise of any power or the discharge of any duty or function under this Act, to mean an officer authorized by the Minister to exercise that power or discharge that duty or function.

Turning now to the report of Mr A.C. Menzies, it seems to me that the salient paragraphs are 16 to 21. Those paragraphs show that Mr Mahony had no recollection of the matter at all while Mr Watson had a limited recollection of his discussions of the case with Senator Murphy. Mr Watson did recall that the discussion was very short and he added that Senator Murphy's attitude to the case was consistent with that he 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. Mr Watson's attitude to the decision to return Sala's passport and to have him deported or allow him to leave the country 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.

In my view, subject to what follows, there is little point in pursuing this allegation since Mr Callinan QC cross-examined Murphy J. about it at length at the first trial without, to my mind, making any progress whatsoever.

Again, subject to what follows, I would recommend that the Commission deal with this allegation by having regard to Mr Menzies' official report as envisaged by section 5(3) of the Parliamentary Commission of Inquiry Act.

Before coming to that position as a matter of finality, it would be worth asking both Mr Mahony and Mr Arthur Watson whether they have any further recollection of the matter beyond what they described to Mr Menzies in early 1984. For example, as Mr Menzies notes at paragraph 19 of his report, 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.

The only other matter which I find unusual is the steps taken by Patricia Mullens, Senator Murphy's private secretary, to find out from Mr Donald of the Department of Immigration in Sydney, what arrangements had been made or were to be made for Sala's departure. Patricia Mullens does not seem to have been a person spoken to by Mr Menzies for the purposes of his report.

I see little point in talking to any of the Commonwealth Police involved in the investigations since, of course, what they knew was not necessarily known by either the Attorney-General's Department or the Attorney-General. But it seems that Inspector Dixon, at least, has things he wishes to say and he should be given an opportunity to say them to investigators.

As to what this allegation might, if proved, amount to, the connection with Mr Saffron seems, to my mind, remote. I should have thought that, at its highest, the allegation would be one that Murphy J. as Attorney-General, wrongfully (because of his association with Morgan Ryan) ordered the return of the passport and the release from custody.

If nothing more is forthcoming from Messrs Mahony, Watson or from Patricia Mullens there will be no evidence of any impropriety or misbehaviour.

A. Robertson

MEMORANDUM

TO: S. CHARLES QC
M. WEINBERG
D. DURACK
A. PHELAN
F. THOMSON
P. SHARP

DATE: 10 JULY 1986

FROM: A. ROBERTSON

RE: ALLEGATION THAT MURPHY J. AS ATTORNEY-GENERAL WRONGFULLY OR IMPROPERLY ORDERED THE RETURN TO ONE RAYMOND SALA OF HIS PASSPORT AND HIS RELEASE FROM CUSTODY.

The original of the Attorney-General's department file dealing with this matter has not yet been obtained however, a photocopy of that file and the originals of various files from the Commonwealth police force the Australian Federal Police and the Department of Immigration have been provided by the office of the Director of Public Prosecutions.

I propose to start with the Attorney-General's department file, since it is the actions of the then Attorney-General which are important.

His state of knowledge, is, was of course not necessarily the same as that of the policeman investigating Mr Sala.

The copy of the Attorney-General's department file shows that on 27 May 1974 a telegram from Morgan Ryan and Brocks solicitors was received. The text of the telegram was as follows:

> "urgent ... Honourable L.K. Murphy, Attorney-General Commonwealth of Australia Parliament House, Canberra.
>
> Sir, urgent attention, please direct immediate release and deportation of Ramond Sala held in Long Bay Jail fines having been paid and the courts orders of the 24/5/74 otherwise fulfilled .... Morgan Ryan & Brock solicitors."

The telegram is marked to Mr Watson for "advice to Minister - urgent". It was received in the Attorney-General's department itself on 28 May 1974, one assumes early on that day.

The next folio on the file contains notes, perhaps by one of Mr Watson's officers, of inquiries that were made. These notes read;

> Raymond Sala, Darlinghurst Court Tuesday, Wednesday, Thursday 22,23,24 May. Judge ordered payment of heavy fine and deportation. Charges. 4.15pm Judge Lesley 24 May (Friday) breach of banking and For Exch R Section 233 of Customs Act. Fined $6,000 actually four charges $150 two oz canabis. Paid $6,600 H23h79 Sheriff's office night. Deportation order made by Judge. Deportation order made by Judge. Forfeiture of currency $46,000. Pol outcast.

The next folios appear to be in the handwriting of Mr A. Watson. The first document is headed Boyle and its text is;

> "there was no charge of false passport laid. CPF (F) illegible, that passport false and RS agreed that it was. Donald asked to lay charge under Migration Act, Section 42 but said that Deportation Order made on 10 May and so no further charges should be laid."

The next document also undated, is headed A-G. The text is as follows;

> "his passport is to be returned, instructions were given to Mahoney who agreed that this be done. Sala is to be deported forthwith - he is not to be held any longer. He should have gone Monday and is to spend no more time in jail.
>
> FM= Amstrong was informed of AG's views and AG told that immigration had the matter in hand - that's all.
>
> Tell REA of what transpired this morning and let the AG know. We are not to have a head on with immigration. It's their business. Arrested 28 April when attempting to leave Australia. In custody throughout. Bail not sought."

The next document, also undated but in the same hand is as follows;

> "big time drug runner. Spanish papers – not his probably his courier.
> Miles and Morgan Ryan
> Deliberately forfeited dollars $36,000
> Desparate to get to Bombay query drug storage there
> Charge drafted Donald of immigration declined because deportation order had issued 10 May 1974 – allegedly at Commonwealth Police request was withdrawn – CP Air query.
> So no prison sentence S/C. Brodie and S/C. Boyle
> Policy is not to put in immigration charges when deportation

Sala originally said no objection to Spain – changed?

Passport (illegible) Brodie – draw to attention of French. The next document also apparently in the same handwriting has a number of notes dealing with other matters and then continues;

> 'Raymond Sala Tuesday, Wednesday, Thursday, Friday order for deportation – deportation order will be implemented as soon as travel documents are in order.
>
> $36,000 canabis in luggage at Mascot. District Court $6,000 taking currency out $150 x 2 tempting export two possession of prohibited substance. French passport born in Spain has substituted pages? Returned to France? Visitors visa. Getting documents from Spain. Inspector Dixon, Burt Trelar; large sum of money offering for his early departure: before trial.
>
> Political exile from Spain – info given to immigration.'

The next document on the file is a typescript of a telex message which reads as follows;

> 'I confirm original advice that the Attorney-General has directed that Sala's passport be returned to him and that Sala be allowed to leave Australia as soon as practicable.
>
> Understand that Sala's solicitors have booked a flight for him tomorrow.
>
> Would be grateful for advice in due course of result of Interpol inquiries.'

Chronologically the next document is a memorandum dated 29 May 1974 from AR Watson for the Secretary of the Attorney-General's department to the Secretary of the Department of Immigration. That memorandum is as follows:

Raymond Sala

1. I refer to my discussions with Mr McGinness of your Department concerning the proposed deportation of Sala.

2. I understand that Sala was arrested on 28 April 1974 and remained in Custody until the conclusion of the proceedings against him in the District Court on 24 May 1974. On that day he was fined $6,000 for an offence against the Banking (Foreign Exchange) Regulations and oredered to forfeit the $36,000 which he was detected in the act of taking out of Australia. In addition he was fined $150 on each of four charges of canabis. All other fines have been paid.

3. It appears that an order was made for his deportation on 10 May 1974 and that consideration is now being given to the execution of that order. I understand that you propose to effect the deportation when Sala's travel documents are in order. The passport on which Sala entered Australia has, I'm informed, been discovered to be a forgery. Although Sala is Spanish the passport was French. Contrary to the statement Sala made last week, he does not know, it appears, desire to return to Spain. It is now alleged that he is a political exile from Spain.

4. I discussed this matter with the Attorney-General this morning and he stated his firm view that Sala's passport ought to be returned to him forthwith. The Attorney-General is of the view that Sala should leave the country today.

5. The Attorney-General considers that if necessary Sala should be escorted to the airport and allowed to buy his own ticket out. In his view Sala has already been unecessarily detained for two nights and he should not be held in custody any longer. Sala's passport is, I am informed, at present held by the Commonwealth Police who are conducting inquiries from Interpol for the purpose of establishing Sala's identity. In the course of those inquiries the attention of the French authorities in Australia has been drawn to the fact that the passport was a forgery.

6. I note the view expressed by Mr McGuiness that the French would be extremely concerned if in these circumstances we were to return the passport to Sala and allow him to depart from Australia with it in his possession. Mr McGuiness considered that it would be highly desirable that the department of foreign affairs be informed of the return of the passport. I understand, however, that that department sees no difficulties arising from the action contemplated.

7. I have conveyed the Attorney-General's veiws to the Commonwealth Police and will be glad if you will take all possible steps to expedite the conclusion of this matter.

The next document in chronological order is a note in handwriting dated 26 January 1974 as follows;

> Deportation order: Burt Treloar (733448) 10 May 1974 – based on decision made by Minister that day to cancel temporary entry permit. Section 7 of Migration Act. Order taken out because of possibility that he might be convicted or only fined. Sort of insurance. Fairly common practise. Order in advance until 23 May 1974 when custody imposed after proceedings completed. Regarded his departure as voluntary. Release arranged 30 May 1974. Do not see this sort of departure as pursuant to the order – i.e. not deported (though order invoked for purposes of custody). Think immigration has not got advice from AG's but that's the way it's been regarded by immigration. 21/6/86 Ryan solicitor approached immigration about a document which had been impounded. Was informed that S would not be permitted to enter Australia."

Finally there is a note, in respone to a request of Mr Mahoney's that Sala left Sydney for Singapore on 30 May 1974 on Qantas Flight QF1 on French passport no. 25-168.

Those, it appears, are the only contempranious documents which appear on the file of the Attorney-General's department. There are now to be found on the file documents from the Australian Federal Police including a report by Inspector Dixon to the Commissioner together with attachments to that report. There is no great dispute as to the facts. It is clear that the Commonwealth Police were then of the view that Sala should not be released from custody. That view became much more strongly held once Interpol had confirmed that the passport was false and once further investigation had been done by the Commonwealth Police which indicated the distance of a narcotic trafficking ring involving Sala. There is no indication that the Commonwealth Police or Australian Federal Police documents and reports were available to the Attorney-General's department on or about 29 May 1974.

Fresh light on the allegation is cast by the statement of senior Constable Gannell who on various occasions between late 1972 until 1975 was detailed to be a body guard for the then Senator Murphy. He says in his statement, which came from the director of public prosecutions office as follows;

> "I am able to record a discussion at which I was present during the time Senator Murphy was Attorney-General. In relation to a man called Raymon Sala. This meeting took place in a room called the Members Lounge in Senator Murphy's Parliament House office. The Lounge was a room adjacent to the Members' or Senator's office and formed part of a suite of rooms. During that period I was stationed in the lounge area. I recall that Senator Murphy, Commonwealth Police Assistant Commissioner John Donnelly Davies and Alan Carmody from the Department of Customs was there. I cannot recall whether there were other persons present although I have some recollection that the head of the Attorney-General's Department Gary Clarvers may have been present. The people I have mentioned came out of Senator Murphy's private office and sat around in the Lounge area discussing the Sala matter. They appeared to be debating whether Sala should be deported or charged. During the course of the meeting I was asked my view by Senator Murphy. I said that I was unaware of the matter and was then given a brief outline of the facts by Senator Murphy. My recollection is that the Customs Department wanted Sala deported because of the cost of keeping him in jail. My recollection is that the Commonwealth police wanted him detained in Australia because he was a suspected drug trafficker and the police had been unable to prove his correct identity because the passport on which he was travelling was full. I think that Mr Carmondy put forward additional reasons for having Sala deported but I cannot recall them. At that time the body responsible for the investigation of narcotics offences was the narcotics bureau, which was part of the narcotics department.
>
> As stated earlier I cannot recall whether Mr Hard has attended this meeting my recollection is that the Attorney-General's Department expressed a view in relation to Sala: I am unable to say whether it was at this meeting or in a subsequent minute to the Attorney. However, my recollection is that the Attorney-General's Department view was either that the charges were of a minor nature or that they could not be substantiated. I cannot recall how I became aware of this.

> My recollection is that I agreed with the Commonwealth Police view expressed by Davies that Sala should be kept in Australia. I also recollect that the matter was resolved by Senator Murphy agreeing to give the Commonwealth police a specified period perhaps about a week to pursue their inquiries in relation to Sala's true identity and any evidence of him being involved in drug trafficking.
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> Within about a fortnight of the conversation detailed above I recall seeing a document from the Commonwealth Police Commissioner's office setting out in about four or five pages a reply to representations made in respect of Sala by Morgan Ryan and Brock and annexing a copy of the solicitor's letter. I am uncertain, as I said earlier, whether Mr Harders was present at the meeting mentioned above. If he was not then my recollection of the Attorney-General's department's views about the Sala matter are that they were expressed in an internal minute to the Attorney from that Department which I saw again within about a period of about two weeks of that meeting.

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Before turning to the report of Mr A C Menzies it is probably worth setting out the relevant provisions of the Migration Act as it stood in May 1974.

Section 7(1)

> The Minister may, in his absolute discretion, cancel a temporary entry permit at any time by writing under his hand.

... 7(3)

> Upon the ..... cancellation of a temporary entry permit, the person who was the holder of the permit becomes a prohibited immigrant unless a further entry permit applicable to him comes into force upon that ... cancellation.

Section 18

> The Minister may order the deportation of the person who is a prohibited immigrant under any provision of this Act.

Section 39(1)

> Where an order for the deportation of a person is in force, an officer may, without warrant, arrest a person whom he reasonably supposes to be that person, and a person so arrested may, subject to this section, be kept in custody as a deportee in accordance with sub-section (6) of this section.

... (6)

> A deportee may be kept in such custody as the Minister or an officer directs -
>
> (a) pending deportation, until he is placed on board a vessel for deportation;
>
> (b) .....
>
> (c) ....

"Deportee" is defined in section 5(1) of the Act to mean a person in respect of whom a deportation order is in force.

Finally, Section 27 of the Migration Act provided

27(1) An Immigrant who

> (a) ....
>
> (b) ....
>
> (c) enters Australia after having produced to an officer, for the purpose of securing entry into Australia, a permit, certificate, passport, visa, identification card or other document which was not accede to him or was forged or was obtained by false representations,

shall be deemed to be guilty of an offence against this Act punishable upon conviction by imprisonment for a period not exceeding six months. In Part IV of the Migration Act the miscellaneous provisions are collected which includes section 66

> a prosecution for an offence against this Act or the regulations, other than an offence under Part III of this Act shall not be instituted except by an authorised officer.

Part III of the Act deals with the immigration of certain children authorised officer is defined in section 5(1) in relation to the exercise of any power or the discharge of any duty or function under the Act, to mean an officer authorised by the Minister to exercise that power or discharge that duty or function.

Turning now to the report of Mr A C Menzies it seems to me that the salient paragraphs are 16 to 21. Those paragraphs show that Mr Mahony has no recollection of the matter while Mr Watson has a limited recollection of his discussions of the case with Senator Murphy. Mr Watson does recall that the discussion was very short and he adds that Senate Murphy's attitude to the case was consistent with that he 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. Mr Watson's attitude to the decision to return Sala's passport and to have him deported or allow him to leave the country 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.

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Again, subject to what follows, I would recommend that the Commission deal with this allegation by having regard to Mr Menzies official report as envisage by section 5(3) of the Parliamentary Commission of Inquiry Act.

Before coming to that position as a matter of finality it may be worth asking both Mr Mahony and Mr Arthur Watson whether they have any further recollection of the matter beyond what they described to Mr Menzies in early 1984. For example, as Mr Menzies notes in paragraph 19 of his report, 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.

The only other matter which I find unusual is the steps taken by Patricia Mullens, Senator Murphy's private secretary, to find out from Mr Donald of the Department of Immigration, Sydney what arrangements had been made or were to be made for Sala's departure. Patricia Mullens does not seem to have been a person spoken by Mr Menzies for the purposes of his report.

I do not see any point in talking to any of the Commonwealth police involved in the investigations, since, of course, what they knew was not necessarily known by either the Attorney-General's Department or the Attorney-General.

As to what this allegation might, if proved, amount to, the connection with Mr Saffron seems totally, to my mind, remote. I should have thought that, at its highest, the allegation will be one that Murphy J, as Attorney-General, wrongfully (because of his association with Morgan Ryan) ordered the return of the passport and the release from custody.

If nothing more is forthcoming from Messrs Mahony or Watson or from Patricia Mullens there will be no evidence of any impropriety or misbehaviour.

ATTORNEY-GENERAL'S DEPARTMENT

SECRETARY'S OFFICE

TEL: 71 9000

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

FACSIMILE NO: (062) 73 1137

TO: Fergus Thomson
Parliamentary Comm of Inquiry

FROM: Gravell

DATE: 9/7/86

TIME: 9.40am

NO OF PAGES
TO FOLLOW: 4

MESSAGE:

***** *****

Inshore
Please B/F to Mr Durack on return tomorrow! 10/7
11/7.

J.T.
11/7

AG's response to letter of 13/6/86 re representations by Mr Ryan etc
10/7

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

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 &

6

FILES RELATING TO MORGAN RYAN & BROCK 80→current

M82/17997 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.

RECEIVED - JUL 1986

AUSTRALIA

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.

[redacted]

(E. Carr)
for Secretary

Mr Ross

DD acknowledged receipt 10/7/86

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 M74/64348 - 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

[redacted]

J. F. Thomson
Secretary

4 July 1986

Observations by Insp A. Wells on extra files.

FILE NO. 74/5294: ATTORNEY-GENERAL'S DEPARTMENT
REPS ~~BY TWO~~ TO A.G BY MORGAN RYAN AND BROCK
RE. RELEASE AND DEPORTATION OF RAMON SALA

INTRODUCTION

File presents the AG's Department perspective of the Sala matter. A question that does not seem to have been addressed at all is the departure of Sala at AG's direction and in so doing ignoring existence of deportation order.

DATE/TIME	OCCURRENCE	COMMENTARY
29.5.74	Letter from A R Watson to Secretary, Department of Immigration. Refers to discussions with McGinness of Immigration re. proposed deportation of Sala. After very briefly reviewing the case, Watson at paragraph 3 states "It appears that an order was made for his (Sala's) deportation on 10th May, 1974 and that consideration is <u>now</u> being given to the execution of that order. I understand that you	Note: The Foreign Affairs file on this matter was not available to the Menzie's enquiry. It is interesting to note that McGinness of Immigration seemed to be at logger-heads with Foreign Affairs, i.e. propose to effect the deportation. Foreign Affairs saw no problem in simply sending Sala from Australia.

DATE/TIME	OCCURRENCE	COMMENTARY
29.5.74	when Sala's travel documents are in order. The passport on which Sala entered Australia has, I am informed, been discovered to be a forgery. Although Sala is Spanish, the passport was French. Contrary to the statements Sala made last week, he does not now, it appears, desire to return to Spain. It is now alleged that he is a political exile from Spain." Watson advises he discussed the matter with the A.G. on 29.5.74 and it was the A.G's firm view that Sala's passport ought to be returned to him forthwith. The A.G. is of the view that Sala should leave the country today. At paragraph 5, Watson states the Attorney-General considers that if necessary, Sala should be escorted to the airport and allowed to buy his own ticket out. In his view, Sala has already been unnecessarily detained for two nights and he should not be held in custody any longer. "Sala's passport is, I am informed, at present held by the Commonwealth Police...the attention of the French authorities in Australia has been drawn to the fact that the passport is a forgery".	

DATE/TIME	OCCURRENCE	COMMENTARY
29.5.74	At paragraph 6, Watson notes the view expressed by McGinness that the French would be extremely concerned, if in these circumstances, the passport was to be returned to Sala. McGinness urges that the Department of Foreign Affairs be informed. Watson states however that Foreign Affairs sees no difficulties arising from the action contemplated.	Another reason to refer to For. Affairs file. Even without file F.A. may now be able to comment on a similar but hypothetical situation.
28.5.74 10.00 am	Telegram ex. Morgan Ryan and Brock addressed to Honourable L K Murphy, Parliament House, Canberra received at Attorney-General Department and marked for an urgent advice to the Minister.	By the wording of the telegram, it could be suggested some prior know-ledge or prior discussions had been held.
	Wording "Sir, urgent attention please. Direct immediate release and deportation of Ramon Sala, held in Long Bay Jail, fine having been paid and the court orders of 24.5.74 otherwise fulfilled.	Note: ex Assist Comm. Davies recalls a visit to Comm. Compol by Morgan Ryan re Sala. M.R spoke to Davies re matter. Note: Telegram ignores Dep. Order and need for authentic travel documents.

DATE/TIME	OCCURRENCE	COMMENTARY
No date	File note that Folio 4 carries amongst other notes on the court case that "Dep. Order made by Judge".	
No date	Folio 5–file note appears to relate to a conversation with a person named Boyle (possibly Detective Boyle) "There was no charge of false P/PT laid. CPF and (?) that P/PT false and RS (Ramon Sala) agreed that it was – was prepared to plead guilty. Donald asked to lay charge under MIGR Act re. 42 but SD that deportation made on 10th May and so no further charges should be laid.	
No date	Folio 6 of file headed up AG. His passport is to be returned. Instructions were given to Mahoney who agreed that this be done. Sala is to be deported forthwith – he is not to be held any longer. He should have gone Monday and is to spend no more time in jail. FM = Armstrong was informed of AG's and AG told that IMM had the matter in hand – that's all. Tell REA of what transpired this morning and B let the AG know we are not to have a head on with IMM it's their business. Arrested 28th April when attempting to leave Australia. In custody bail not sought.	

DATE/TIME	OCCURRENCE	COMMENTARY
No date	Folio 7 big time drug runner. Spanish papers Miles and Morgan Ryan Deliberately forfeitted $36,000 Desperate to get to Bombay? Drugs storage there Charge drafted - Donald of IMM declined therefore deportation order had issued 10.5.74 - allegedly Commonwealth Police request was withdrawn - CPF - so no prison sentence See Senior S/C Brody and S/C Boyle Policy is not to put in immigration charges when deportation. S = said no objection to Spain - changed passport W. Brody - drawn to attention of French. Folio 8 Ramon Sala Tuesday, Wednesday, Thursday and Friday Order for deportation Deportation order - will be implemented as soon as travel documents are in order	
	French passport (born in Spain) has substituted pages getting documentation from Spaniards. Inspector Dixon - Burt Treloar: large sum of money offering for his early departure before trial). Political exile from Spain - info given to SR Immigration.	SR Immigration could stand for Special Reports Immigration chief of which was Garry Boyd mentioned elsewhere.

DATE/TIME	OCCURRENCE	COMMENTARY
29.5.74	AG's department outwards teleprinter message. Telex to Inspector Strickland, Commonwealth Police from Attorney-General Department, Canberra. Direction that Sala's passport be returned as soon as practicable. Understands that Sala's solicitors have booked a flight for him. Would be grateful or advice in due course of result of Interpol enquiries.	How was advice re booking of ticket relayed. Who in A.G.'s received it.
No date	Folio 16 file note "Left Sydney for Singapore on 30 May on Qantas F No. QF1 on French passport No. 25/168".	
26.6.74	Initialed note, Folio 13: Deportation Order: Bart Treloar. 10.5.74 - Based on decision by Minister that day to cancel temporary entry permit Section 7 of Migration Act. Order taken out therefore of possibility that he might not be convicted or only fined - sort of insurance. Fairly common practice. Order and abeyance till 23 May, 1974 when custody imposed after preceedings completed. Regarded his departure as voluntary - release arranged 30 May 1974 - do not see this sort of departure as	Very relevant

DATE/TIME	OCCURRENCE	COMMENTARY
	pursuant to the order ie. not deported, (The order invoked for purposes of custody. Think IMM has not got advice from AG's but that's the way it's being regarded by IMM. 21/6 Ryan, when approached, IMM about a document which had been impounded - was informed that 'S' would not be permitted to re-enter Aust.	Sala's National Service book.
23.5.74	Folio 25 comprises a photocopy of a Commonwealth Police Intelligence Report prepared by W R Taylor, Sergeant Second Class and comprising Folio 25 of file. Advises that when Sala arrived in Australia on 14 April, 1974, he was accompanied by a woman using the name Michelle Senanes travelling on French passport No. 1472. Whereabouts unknown. Describes passport and health certificates held by Sala as being obviously tampered with. Report then goes on to outlined intelligence on the matter. Intelligence links Sala to other persons suspected of narcotics trafficking and currency violation.	

DATE/TIME	OCCURRENCE	COMMENTARY
28.5.74	Photocopy of report to Officer in Charge, Commonwealth Police, Adelaide in which Sala and a person named Hanson are described as couriers of an international drug ring based in Bombay. Comprises a report prepared by Senior Constable Brodie and Boyle on the arrest of Sala. Attached to Folio 33.	Note: report was received at Commonwealth Police Headquarters, Canberra on 15.5.74
18.6.74	Photocopy of report by Inspector R E Dixon to Commissioner, Commonwealth Police comprises Folio 36 of file. In his report Dixon outlines the background to the matter of Sala's arrest concludes that in his opinion there was no doubt that Sala is and was, "a major drug trafficker". States that on 29.5.74 prior to confirmation of doubts concerning the validity of the passport, Mr Watson of the AG's contacted him and stated that the AG had instructed that the passport be returned to Sala. Watson was queried subsequent to which a telex expressing the AG's instruction was received. Advises passport returned to Sala to Sala's solicitor by Immigration Department.	

DATE/TIME	OCCURRENCE	COMMENTARY
18.6.74 contd	Points out that the deportation order which had precluded further action by police on the forged passport charge, had not in fact be served at all.	Wrong. It had. See IMM file.
	Notes that Sergeant W Taylor expressed surprise that a deportation order had been obtained so promptly and used as a reason to prevent prosecution. Quotes Mr Treloar of Immigration in Canberra on this point as advising that the matter was pushed through on request from Sydney. Dixon claims that subsequent enquiries resulted his being told that Sergeant Taylor had urged Immigration Officials to move quickly. Apparently this was denied by Taylor.	Important to know who from Immigration in Sydney was spoken to.
	Dixon refers to the matter of Jill Anne Nelson. Dixon points out similarities in the Nelson and Sala matters.	Please note Nelson file to hand and being summarised.
	Dixon also brings to notice the matter of Neva Ierace arrested 8.5.74 at Sydney Airport when again matters were expedited unduly this time by an American named Ira Richman. Allegations of court cases being made.	

DATE/TIME	OCCURRENCE	COMMENTARY
18.6.74 contd	Dixon points out that there were certain similarities between the three matters in that all persons were arrested at the airport were drug traffickers, had extensive travels throughout the world. Refers to the involvement of the legal representatives of Sala being Mrs Morgan Ryan and Bruce Myles. States that whilst Senanes was awaiting departure from Sydney, she stayed at Lodge 44 in the name of Harris and was guarded throughout her stay in Sydney by Mrs Ryan, wife of Morgan Ryan and was apparently Senanes was not permitted to speak to anybody. Dixon points out that Lodge 44 is owned by Abraham Saffron. Dixon suggests that because Sergeant Taylor whilst making enquiries at Lodge 44, was recognised by a close friend of Saffron, this precipitated Saffrons making representations through Morgan Ryan regarding his concern over allegations made about him at a Royal Commission 6 months previously. He suggests Saffron was worried at being connected with Senanes and through her to the drug sphere.	

DATE/TIME	OCCURRENCE	COMMENTARY
18.6.74 contd	At paragraph 13, Dixon expresses concern at what he describes as interference in normal proceedings, allied with information relating to bribery and in particular, as to what information or advice was given to the Attorney-General and by whom. He states his wish to interview the Attorney-General, Mr Watson, Mr McGinness, Mr Treloar and Immigration Officers in Sydney plus other officers of Compol including Inspector Don Thomas and Messrs Morgan Ryan and Bruce Myles.	When Dixon interviewed by Watson appeared he refused to divulge source of info.
June 1974	Photocopy of report by Inspector R Dixon to Commissioner Compol comprising Folio 45. Report comprises expansion on his previous report regarding his wishes to interview certain persons.	

DEPARTMENT OF CUSTOMS AND EXCISE FILE NO. 74/69176
IN NAME RAMON LLULL SALA

INTRODUCTION

This file comprises the Customs file on the Sala matter. Due to the fact that a number of files on Sala have been already summarised, this summary will not contain matters of a repetitive nature.

DATE/TIME	OCCURRENCE	COMMENTARY
28.4.74	Sala arrested Sydney Airport. Possession of $36,000 plus 2 ounces of hassish.	
29.4.74	Telex from Agent Deane-Spread to Superior. Advises arrest of Sala and seizure of 102.5 grams cannabis resin plus 1 ticket of LSD.	
3.5.74	Notes comprising folio 19 of file relate to telephone calls made by Sala whilst at Boulevarde Hotel. Note that 3 calls were made to Barcelona and 3 to Marseilles, France.	Don't know if anything can be made of the fact that for a person in fear of returning to Spain obviously had contacts there sufficient to require overseas telephone calls.

DATE/TIME	OCCURRENCE	COMMENTARY
9.5.74	Conversation between narcotics agent Deane-Spread and Michael Olander.	Note: See report of Dennis Gray Folio 38 (a) date of interview. Note also that Olander identified Sala and Senanes as drug couriers.
	Olander appears to be an informant with knowledge of Sala and his girlfriend Sennanes. Note that on the second page, he had been asked if he knew what nationality Sala was. Olander said that he was Spanish and that he was going to use Olander's passport at one time.	
14.5.74	Folio 30 of file comprises a piece of minute paper in the form of a receipt or property of Ramon Sala in relation to 6 bags and one didgeridoo handed over to Morgan Ryan by Dennis Gray.	
24.5.74	Sala appeared before Judge Lesley at the District Court convicted $550 on each of the four customs matters and $6,000 in relation to the currency. Currency ordered to be forfeited by Lesley.	

DATE/TIME	OCCURRENCE	COMMENTARY
	A taxation department official in attendance at court to serve papers on Sala in relation to his earnings.	
	Deportation order on Sala is in force.	
	Prior to the Court's sitting, Sala speak to Commonwealth Police and he had claimed that there was no Mr Moon and that the money was his property. No further details known at this time "the move however, was expected so that a claim could be mounted for the return of the money.	
6.5.74	Copy telex comprising Folio 76 of file recounts that Sala appeared before Mr Anderson SM, Special Federal Court on charges under the Banking Foreign Exchange Regulations to 2 charges under the 233B (1)(b) of the Customs Act and 2 charges under Section 233B (1)(C)(a) of the Customs Act. Remanded in custody till 14.5.74 Mr Hargans appeared for the prosecution whilst Mr Wheelahan appeared for Sala. "Commonwealth Police to interview Sala re. possible false passport later today."	
8.5.74 09.45	Folio 77 comprising file note signatory not known in relation to telephone conversation to T Burke	

DATE/TIME	OCCURRENCE	COMMENTARY
8.5.74 contd	Compol Melbourne advising that Sala has recorded in notebook name of Denise Eloise Hanson who was arrested/detained at Honolulu on 10.12.73 in possession of $AUS21,000.	
30.5.74	Cable from Canberra to Singapore (Department of Foreign Affairs). Cable addressed Commissioner of Police, Singapore advises Sala departed Qantas Flight 011 1600 hours 30.5.74. "Although destination of flight is London Sala is ticketted only as far as Singapore. Sala suspected of being major drug trafficker." "Sala has been in custody pending deportation but is in fact now departing without this order being executed." Advises that passport on which Sala was travelling appeared to be false as did International Certificate of Vaccination. Would appreciate advice on movements of Sala.	

SUMMARY OF FILE NO. 74/2749 IN NAME OF JILL ANN NELSON

INTRODUCTION

"This file was requested by the Commissioner of Inquiry of the Federal Police. I am well aware as to the specific reason it was requested however, from perusal of the file it appears that the reason was that Nelson was mentioned by Superintendent Dixon as being possibly related to Sala. Intuitively I would suggest this probably arose from the fact of Nelson bringing drugs into the country and taking cash out in the similar manner to Sala, together with her previously being in India and other places the same as Sala which purely suggests a similar MO therefore a possibility of them being part of the same importation ring. No apparent connection with matters under investigation by this Commission.

DATE/TIME	OCCURRENCE	COMMENTARY
10.5.74 3.50 p.m.	Telex from Compol Sydney to Compol Canberra - Nelson arrested 3.30 p.m. 9.5.74 whilst attempting to board flight QF 1. Found to be carrying $13,244.50 in Australian cash. Later charged with being an overstayed visitor and attempting to remove the money out of Australia. Under questioning she stated that she had entered Australia on 3.5.74 carrying approximately 7 kilos of hassish. She gave the hassish upon arrival on Australia to George Sevastos.	

DATE/TIME	OCCURRENCE	COMMENTARY
11.5.74	Telex from Compol Canberra to Victoria Police (then Interpol) requesting information from FBI regarding Nelson an American citizen.	
10.5.74	Nelson appeared before Mr R J Anderson SM at the 119 Phillip Street Court of Petty Sessions. Bail refused, remanded to 17.5.74.	
22.5.74	Inwards telex from US Embassy re. Nelson antisedence nothing of interest.	
17.5.74	Nelson appeared before Mr Cooney SM, 119 Phillip Street Court of Petty Sessions. Extra charge laid re. import 7 kilos of cannabis. Bail in the sum of $2,000 plus two sureties at $1,000 each plus conditions set under remanded to 24.5.74.	
24.5.74	Nelson appeared before Mr Cooney SM represented by Mr P Costello Barrister. Note in this supplementary notice operandi report, the second last paragraph reads: "Mr B Donald, Immigration has advised that a deportation order has been signed under the provisions of Section 39 of the Migration Act against Nelson, and has subsequently been served upon the Superintendent, Silverwater Womens' Training Centre,	

DATE/TIME	OCCURRENCE	COMMENTARY
24.5.74 contd	Silverwater, NSW. Therefore if Nelson should raise bail on the present matters, she will be taken into custody vide the abovementioned order."	
3.6.74	Nelson appeared again before Mr Cooney. Matter remanded till 2.00 p.m. on 18.6.74. Nelson represented by a Mr A J Pelanto QC, instructed by Mr P Costello.	
31.5.74	Nelson appeared before Judge Lesley, District Court, Sydney. Pleaded guilty to the narcotics charge. Remanded till 18.6.74 for sentence.	
6.6.74	Liana Marie Osborne appeared before Mr Doyle SM, 119 Phillip Street, Court of Petty Sessions. Charged that on the 10.5.74 did without reasonable excuse, having in possession prohibited imports to wit a quantity of diacetylmorphin. Placed on a bond under Section 19(b) of the Crimes Act to be of good behaviour for 2 years.	Not known what relationship this matter has to that of Nelson.
18.6.74	Nelson appeared before Mr Cooney SM, in relation to the currency charges. Pleaded guilty. Sentenced to 3 months imprisonment on each charge to be served concurrently with the sentence imposed earlier that day at	

DATE/TIME	OCCURRENCE	COMMENTARY
18.6.74 contd	the District Criminal Court. Earlier had appeared before Judge Lesley in relation to the charge of illegally importing 7 kilos of hassish. Sentenced to 2 1/2 years hard labour with a non-parole period of 6 months. Lesley directed that the sentence should be served before deportation order enforced.	
18.7.84	Question to the forfeiture of the Nelson money was heard before Mr Cooney SM. It was noted that no person had made no claim to the money pursuant to advertisements in the daily press. Cooney ordered that the sum of $10,184.50 be forwarded to the Australian Treasury together with the sum of $2,000. Notice under Section 2 under the Income Tax Assessment Act in relation to the sum of $6,796.92 assessed as being payable by Nelson, was not proceeded with due to the order made by Cooney.	
	Information received re. George Sevastos that he appeared at the Phillip Street Court of Petty Sessions on 13.6.74. Released on a 2 year good behaviour bond in the sum of $400 and apparently left Australia the same day apparently for Singapore. Osborne (previously mentioned) an associate of Sevastos	

DATE/TIME	OCCURRENCE	COMMENTARY
18.7.84 contd	charged in relation the her possession of .06 grams of heroin been released under 19(b) of the Crimes Act.	

AUSTRALIAN FEDERAL POLICE FILE NO. 6378/81

SALA, RAMON LLULL

INTRODUCTION

This is a fairly volumous file which appears to have come apart at some stage.

DATE/TIME	OCCURRENCE	COMMENTARY
7.5.74	Telex from Commonwealth Police Sydney to Commonwealth Police Headquarters Canberra. Request for urgent interpol enquries regarding Sala and supplies background information. At paragraph 3, it is stated "It is possible that subject (Sala) lodged an application with the Spanish Consul Bombay for the issue of a Spanish Passport about March 1974.	
8.5.74	Telex from Commonwealth Police Headquarters to Victorian Police Headquarters (then Representative of Interpol) paraphrasing telex of 7.5.74 requesting information.	
15.5.74	Telex from Sydney to Compol Canberra advising the appearance of the 14.5.74 of Sala and the entering of a guilty plea. Paragraph 3: "Additional charge in relation to forged French passport in possession of Sala carrying his personal	

DATE/TIME	OCCURRENCE	COMMENTARY
15.5.74 contd	particulars was not proceeded with after a conference with DCS and Immigration Sydney." "Appears under the relevant Section 29 (1) Migration Act. This proceeding not sought. Deportation order is in existence. This has now believed to be the case. Charge of goods in custody in relation to $35,950 not proceeded with. DCS are of opinion in sufficient evidence. No further developments in allied investigation re. Sala's accomplices or female associate Senanes continuing. Will be advised as results come to hand. Hand written note on telex signed D (not known if D stands for Commissioner Davis or Assistant Commissioner Davies). "Where did offence take place. Is a foreign passport deliverable to, or issuable by the Commonwealth. We should check facts and ask why (if it is the case) was an inappropriate charge laid?. He may utter a forged document on entering."	
16.5.74	File note at Folio 9 to Commissioner from Sergeant Potter states "the additional charge referred to in para. 3 of Folio 8 (telex above) was	

DATE/TIME	OCCURRENCE	COMMENTARY
16.5.74 contd	to of been laid under Section 27 (1)(c) of the Migration Act not Section 29 (1) as quoted. "An immigrant entering Australia after having produced to an officer for a purpose of securing entry a passport which was forged." "It was intended to put the charge to Sala at his court appearance yesterday when it was reliably anticipated that he would plead guilty to it." "However DCS advised our members that the information would have to be laid by an authorised officer of the Immigration Department. When requested to make the appropriate arrangements, the Department advised that the charge would not proceed with since a Deportation Order had been signed recently in respect of Sala. Sala is still in custody awaiting sentence on the currency and drug charges."	
9.5.74	Comprehensive report submitted by Constables Boyle and Brody. Note that at paragraph 14 a full description of the passport and its apparent defects was included.	

DATE/TIME	OCCURRENCE	COMMENTARY
24.5.74 4.00 p.m.	Telex from Compol Sydney to Compol Headquarters Canberra advises of Sala's appearance in Court at the District Court, Darlinghurst and his conviction. "On completion of court hearing a custody warrant in relation to Deportation Order pending served upon Sala by Sydney Migration Officer. Sala now Metropolitan Remand Prison, Malabar. Awaiting deportation date." "Property of prisoner is being returned with exception of French passport suspected of being forged and by court order the suitcase and the foam rubber used for the smuggling attempt to be held by NSW Police. "At this time DCS are of the opinion there will be no further charges brought against subject. Evidence given by Constable Brody."	
29.5.74 4.20 p.m.	Folio note comprising Folio 46 signed by Sergeant P Phipps (?). "Tel con Inspector Dixon to Watson at A.G.'s re. release of false passport to Sala, Ramon. Dixon objects strongly on obvious grounds and that subject is a drug trafficker. No objection	

DATE/TIME	OCCURRENCE	COMMENTARY
29.5.74 contd	to his leaving Australia. Will get him knocked off at other end (destination) wherever it may be. We'll make sure that authorities at other end know Sala is travelling on false passport. Request for specific instructions in writing for return of passport to Sala. (Verbatim record of conversation of Dixon). Telex from A.G's to Inspector Strickland, Commonwealth Police, Sydney. "I confirm oral advice that Atttorney General has directed that Sala passport be returned to him and that Sala be allowed to leave Australia as soon as practicable. Understand that Sala's solicitors have booked a flight for him tomorrow. Would be grateful for advice in due course of result of Interpol enquiries signed from Attorney General Department, Canberra."	
	Handwritten note on telex discussed with Commissioner 4.45 p.m. 29.5.74. Copy also sent to NSW District by A.G.'s Department. Entry initialled but indecipherable.	
30.5.74		
12.50 p.m.	Telex to Compol Headquarters from Compol Sydney regarding Sala's departure and that arrangements with Immigration that Sala to be held in	

DATE/TIME	OCCURRENCE	COMMENTARY
30.5.74 contd	custody at Long Bay until such time as he's escorted to Sydney Airport by Immigration Officer in time to board subject flight. It is believed "that he will not depart Sydney under Deportation Order but will be allowed to leave of his own free will. "Following oral and telexed instructions from Mr Watson, Senior Assistant Secretary, A.G.'s Department, Canberra on 29.5.74 the passport held by this office and which purports to have been issued to the subject was handed over to the Sydney office of the Immigration Department. Advice is now at hand that this document has been delivered to the subject's legal counsel with a view to it being returned to him to facilitate his travel."	
30.5.74 5.20 p.m.	Copy of international message form on Australian Diplomatic Network comprising Folio 50 and a message from Compol Commissioner to Commissioner of Police, Singapore relative to Sala's expected arrival. Handwritten note in red ink to the effect that message delivered to Foreign Affairs Communications Centre, 5.20 p.m., 30.5.74 and transmitted 7.50 p.m. notes that Mr	

DATE/TIME	OCCURRENCE	COMMENTARY
30.5.74 contd	Creed (Duty Officer, Foreign Affairs 613134, OIC Mr D Butler 613731).	
31.5.74		
5.10 p.m.	Telephone message from Constable Moody to Inspector Dixon, "I have been asked to relay the following information from Senior Constable Boyle. Enquiries with DCS Sydney (Mr Harkins) reveal that the fine of $6,600 has not been paid by Sala. Further information not known." Telex from Victoria Police (as Interpol) to Compol Headquarters relates to advises Interpol Madrid and Paris replies to enquiries on Sala by Compol being forwarded by male this date. Handwritten note on telex reads: "It was received on or about 15 May and gets sent 4.6. In the meantime Sala gets his passport back!."	Ref. Folio 113 comprising supplementary MO report by Brody "The fines a total of $6,600 has (sic) been paid through Sala's legal representatives Mr M Ryan and Mr B Myles Solicitors."
14.5.74	Reply from Interpol Madrid advises on 4.9.69 Sala failed to report for military service and was included in a list of draft dodges with a military court in Lerida.	Note that this document appears to be a translation and is date stamped 29.5.74 Chief Commissioners Office, Melbourne.

DATE/TIME	OCCURRENCE	COMMENTARY
14.5.74	Reply from Interpol, Paris. Advises that Sala unknown at given address, that is [redacted] Advises that Passport found in possession of Sala had been issued to one Martine Georgette Serbais. On 14.8.73 Serbais had reported passport missing to the police station in Parliament Street, New Delhi. Reference International Health Certificate in the name of Bazar. Confirms that document was issued to Bazar in Canada. Bazar suspected of using and making drugs. Authorities unable to identify Senanes from information supplied. Advises that Serbais had been arrested in Switzerland and deported relevant to offence against the Federal law on drugs and working without authorisation.	
25.6.74 10.40 a.m.	Folio 128 comprising file note signed by Commissioner Davis "At 10.40 a.m. this date Mr Mahony, Attorney-General's Department telephoned and enquired whether I knew anything of a case concerning Ramon Sala. He stated that the secretary was now interested in this case and he wished to have a look at	

DATE/TIME	OCCURRENCE	COMMENTARY
25.6.74 contd	the summary of the details of it as he understood that the Attorney had been "placed under some pressure to act promptly in the matter". Sala had been deported and had his passport returned to him. I asked Mr Harmer to obtain a summary of the facts for delivery to Mr Mahony and further to ascertain quite clearly what the objectives are in the present Inquiry being it detained by Mr Dixon. It is now necessary for Mr Haper to marshall all information and examine closely what Mr Dixon's information is and see what steps, if any, ought to be taken in the matter. These should be done promptly. Mr Harper advised me that Mr Williams was presently studying the file. I saw Mr Williams and told him to see Mr Dixon and take the matter up directly with the objectives I have mentioned in mind. Handwritten note three reports copied and forwarded to Mr Mahony of this date. I assume that's the Commissioner's initial from his signature.	
12.11.74	Comprises Folio 200 a minute from Dixon to Superintendent Williams states "I was advised by Inspector	

DATE/TIME	OCCURRENCE	COMMENTARY
12.11.74 contd	Headland that no further enquiries or action were required in this matter. Inspector Headland stated that the Deputy Commissioner, Mr J D Davies had spoken to the Attorney on the subject. Senator Murphy had admitted that representations were made to him by Bruce Myles of Morgan Ryan and Brock and that he had been misled as to the significance of the matter. Apparently the Attorney admits that he is at fault. However the serious nature of the allegations and circumstances surrounding the Sala departure have no apparent answer on file which makes the matter open ended and liable to criticism and, possibly, misinterpretation at a later date. Minute to Dixon from Williams (?) states, "I agree that we should have Inspector Headland's comments in writing please. Please resubmit this file on his return from WA. Meanwhile, are there any aspects of the information contained the NSW Report of 25.9.74 which require a follow-up. Note by Dixon, "I have already checked with Mr Headland that this was his information. I think the file must be forwarded to Mr Davies for confirmation." File Note	

DATE/TIME	OCCURRENCE	COMMENTARY
12.11.74 contd	by Headland undated but addressed to Assistant Commisioner Crime (Mr Davies), "Following upon my having certain discussions with you about 16.10.74, I signed this file off on the understanding that I would be having another discussion with you later to determine a course of action to be taken. The content of our talk was not disclosed to any other party. About 12.11.74 during my relief as of OIC Western Australia, Inspector Dixon telephoned and informed me that he once again had the files and wanted to know what action was to be taken at pra pro? Folio 57. I informed him that I had discussed the matter with you and for the time being it rested but I would possibly be having further discussions with you. I intimated to him that the matter may have been discussed with the Attorney-General and as a result of certain representations made by Bruce Myles Solicitor, the former may be having second thoughts about the case. At no time did I say that you had spoken to the Attorney-General, that he had been misled as to the significance of this matter or that he admitted he had been at fault, or did I say that no "further enquiries or action were required in this matter." Signed Headland, Inspector."	

DATE/TIME	OCCURRENCE	COMMENTARY
11.2.75	Report by Headland to Commissioner. "At pra pro of your instructions recorded on Folio 57 of this file I have carried out certain enquiries the result of which indicated that there is no improprieties perpertrated by Commonwealth Officers, for personal gain, although lack of initiative in some instances leaves a good deal to be desired." The Report then goes on to recount the Sala matter however at Paragraph 4 it relates that on the 14th May, 1974 Sala's Solicitor allegedly proposed to the Commonwealth Police in charge of the case that they each stood to gain $4,000 if they would ensure the return of the money to Sala. The police refused the offer and reported the facts to their Inspector and the Prosecuting Solicitor for the Deputy Crown Solicitor's Office upon. Upon advice from each of these two latter men no further action was taken. Second paragraph on page 2, Headland says, "Adverting to the alleged offer of money to the police offers, although they reported the matter to their Inspector and a DCS Officer they should have shown more initiative and been more purposeful in this situation. At the same time the	

DATE/TIME	OCCURRENCE	COMMENTARY
11.12.75 contd	Inspector must also be criticised for his lack of initiative and purpose. The influction of time then and now precludes any further action being taken concerning this aspect. After consultation with the Senior Assistant Secretary Attorney-General's Department, Mr A R Watson and a perusal of the Attorney-General's Department's file, Headland states that the return of the suspect French passport "was an expedient to facilitate Sala's quick departure from Australia". In the next paragraph Headland adverts to the fact that Immigration objected to the manner in which Sala was allowed to leave the country and that Foreign Affairs submission that he should be allowed to leave was rather purile in saying that although French Authorities would be upset about the return of the passport to Sala, they were not adverse to upsetting Australia so they could see no reason why the passport false or otherwise could not be returned. Apparently the report was read by Assistant Commissioner, J D Davies on the 3.3.75 who agreed with Headland's recommendation or finding that there	

DATE/TIME	OCCURRENCE	COMMENTARY
	have been no criminal involvement by a Commonwealth Officer and that the file the matter should be referred to the Crime Intelligence Area for continued action regarding Sala's acquaintances still resident in Australia.	
9.9.74	Minute from Superintendent Williams to Inspector Dixon. "Have Mr Headland look at the file and then to see me. Would prefer that he discussed the aspects with yourself and myself conjointly."	
25.6.74 5.30 p.m.	File note by Davis re. meeting with Mahony and Harders in Latter's office. States that he had taken 3 copies of reports to Mahony for him to read. "I told them my recollections of events which were meagre. 1 I had seen the message directing return of passport that I had seen Inspector Dixon re. the matter. He had spoken to Mr Watson. 2 Reports had been put in by Mr Dixon recently in which he seemed to suggest some underhand practice and his information was that $14,000 had been paid for the	

DATE/TIME	OCCURRENCE	COMMENTARY

services of someone to make representations for the return of the passport and the normal travel facilities instead of deportation.

3 There were suggestions of drugs and a wide connection with the Saffron group.

4 I was not OK? with all details.

5 I had Mr Williams going through the report of Mr Dixon to get specific matters straight to see if anything could be investigated in an open way or if there was any matter that may warrant consideration of prosecution. If any such investigation were to take place then thought it was a matter for ordinary criminal investigations. Both agreed with this.

6 Mr Harders suggested a chronological record of events.

7 I stated I would get Mr Dixon to set out these events and further get him to specify in writing his information for analysis. I do not at this stage insist on him revealing the source of his information. On 26.6.74 I told Mr

DATE/TIME	OCCURRENCE	COMMENTARY
	Williams to get it under way with Mr Dixon.	
25.6.74	File note by Commissioner Davies. Mr Harders told Mr Mahony and I that A.G. had rung him from Hong Kong. He had had a ring from Dr Cairns who stated that information had come from 2 Melbourne lawyers Phillips and Andrews who wished to remain anonymous that a story was abroad that there was some peculiar features in the handling of the Sala case. Mr Harders seemed to suggest to that someone was trying to involve adversely the Attorney.	
5.8.74	Unsigned file note by Commissioner Davis re. meeting with Messrs Watt Farmer and Wheatley regarding a statement by Abraham Saffron. Arising out of discussions Davis learned for the first time that an offer was made of some $4,000 by a solicitor acting for Sala to police. Full report requested.	
23.8.74	Report to Commissioner by A J Watt Superintendent. Reports that 7.45 p.m. on 29.5.74 Constables Boyle and Brody telephoned him at home and to advise him of the Sala matter. We took notes of it which are outlined in the report. Notes apparently	

DATE/TIME	OCCURRENCE	COMMENTARY
	included the recounting of the bribery attempt by Ryan upon Brody. Met with Boyle Brody and Taylor the next morning and discussed matter coming to conclusion that the time had passed for the laying of charges in relation to the bribery.	

COMMONWEALTH POLICE FORCE CRIME INTELLIGENCE SECTION

NCI/S3 - SALA RAMON - PART 1 - ASSOCIATES

INTRODUCTION

DATE/TIME	OCCURRENCE	COMMENTARY
31.5.(74?)		
12/13 hrs	Copy of telex apparently from Overseas Director to Qantas Security relates that Sala was allowed to land Bahrain ex. QF11. Reticketted Bahrain/Bombay on 1st June. Advises that passenger not to visit Manilla, Hong Kong, Bangkok but apparently rerouted from Bombay to Columbo before continuing to Karaichi, Miami and Port au Prince (Capital of Haiti).	
Undated	Sala left on QF001 at 4.00 p.m. in company with Morgan Ryan.	

DATE/TIME	OCCURRENCE	COMMENTARY
	Senannes booked to travel BA 931 Sydney to Bombay 1st Class on 1.6.74. On 2.6.74 at travel Bombay to Delhi. Contact phone no. [redacted] (Morgan Ryan's home phone no.) appears that bookings made on 31.5 by a Miss Harris of Lodge 44, New South Head Road phone [redacted] comprises notes for file by Sergeant W R Taylor as follows:	
24.5.74/ 31.5.74 1.00 p.m.	Extract from report of Sergeant W Taylor of 25.9.74. Sennanes made booking for travel Sydney/Bombay per. BOAC Flight BA 931 on 1.6.74 with an onward flight to Bombay from Bombay to Delhi in 2674. On making the booking she left her contact no. [redacted] being Morgan Ryan's home phone no. Information from Qantas advised that a Miss Harris had been making phone enquiries regarding Ramon Sala. Sala had not been permitted to land in Singapore by the authorities but was allowed to leave plane at Bahrain. Miss Harris was informed of the position and she requested that should any further information concerning Sala come to hand, she could be contacted C/- Lodge 44, Bayswater Road.	Lodge 44 owned by Abraham Gilbert Saffron.

DATE/TIME	OCCURRENCE	COMMENTARY
1.6.74	Sergeant Taylor sees Senanes in company with Mrs Morgan Ryan and son at Sydney Airport. Senanes refused to answer any questions. Taylor and Constable Tonkin go to Lodge 44, speak to receptionist Beverley Haynes who identified photograph of Michelle Senanes as being identical with Miss Harris who had registered on 29.5.74 and checked out on the evening of the 31st. Also informed by Haynes that Harris had telephoned Morgan Ryan's home no. The balance of the file seems to be general intelligence material of no real worth or value to this Inquiry except for the fact that this fairly compelling evidence that a rather large drug ring had been identified. The report of Sergeant Taylor seems to bring most of the intelligence together.	

DEPARTMENT OF IMMIGRATION NO. N 74/64348
IN THE NAME OF SALA, RAMON LHULL

INTRODUCTION

Presents Immigration perspective of Sala Matter.

DATE/TIME	OCCURRENCE	COMMENTARY
8.5.74		
9.35 a.m.	Telex sent by Donald of Immigration to Immigration Canberra. Advises arrest of Sala in possession of passport that "could be false as it is believed first two pages have been substituted CPF checking Paris than Interpol" "Sala suspected of being courier brings drugs in, collects payments and then departs" Donald requests urgent advice on action required.	
10.5.74	Instrument cancelling temporary entry permit of Sala signed by A J Grassby.	
10.5.74	Deportation order signed by A J Grassby, Minister of State for Immigration.	

DATE/TIME	OCCURRENCE	COMMENTARY
10.5.74 3.45 p.m.	Telex from Donald of Immigration to Ward in Canberra and Stafford in Adelaide advises that Sala had admitted he arrived on 14.4.74 with girlfriend Michelle Senanes who is believed to be in South Australia Requests, checks the passenger departing exit.	
13.5.74 3.47 p.m.	Urgent telex from Daszcyk. Apparently Immigration Headquarters Canberra to Donald in Sydney. Advises Minister "Minister cancelled TEP (Temporary Entry Permit) and signed deportation order 10.5.74". Requests advice to outcome of outstanding charges and reports on any special circumstances after charges against Sala are resolved.	This last request may be typical however if I were investigating, I would like to know the import of the last phrase about special circumstances etc.
14.5.74	File note. Note by Bruce Donald advises the following: Mr R Harkins DCS rang and requested department to institute Section 27 prosecution in respect of Sala's entry on possible false passport. Harkins said Sala would plead guilty to offence and sentence possible. If not used, Sala would be remanded for sentence after pleading guilty to currency and narcotics charges and bail would be set.	

DATE/TIME	OCCURRENCE	COMMENTARY
	As hearing for sentence would take at least until Friday week, Sala would most probably disappear. Donald appears to have referred the request to see Ward/CO who directed that as DO had been signed Section 27 could definately not be used. Magistrate may be told that Sala is subject of DO to be effected when court action completed and any sentence imposed has been served. Harkins advised of above.	
23.5.74	File note. Further file note in Donald handwriting reads simply "pleaded guilty - handed up for sentence. Bail not requested. Should appear Thursday."	
16.5.74 2.29 p.m.	Telex from Ward to Donald. Advises Sala pleaded guilty to currency and narcotics offences. Handed up for sentence to District Court. Matter unlikely to be heard before 23.5.74.	
18.5.74	Sala interviewed for 2 1/2 hours at Long Bay Penattentionary by Dr Listwin Consultant Psychiatrist acting on behalf of Morgan Ryan and Brock diagnoses Sala is suffering from depression.	

DATE/TIME	OCCURRENCE	COMMENTARY
20.5.74	File Note by Bruce Donald: Senior Constable Garry Brody advised through Constable Ponds - CPF Mascot that Sala to be taken into custody should he be released from court when he appears for sentence.	
23.5.74	File note by Bruce Donald addressed to Mr Short "please have copy of DO handed to Sala and custody warrant handed to CPF. Ensure Sala is advised of DO."	
23.5.74	File note by Bruce Donald. "Mr Ryan phone [redacted] Solicitor of Morgan Ryan and Brock rang and asked what would happen to Sala if fined and released from court. He was informed Sala would be taken into immigration custody with a view to deportation. Ryan asked if he would travel on French passport in his possession and where would he go. I referred question to Bleaney who stated French passport would be used and we would ticket him to France. Ryan informed accordingly.	
24.5.74	File note to Bruce Donald. "Bob Harkins DCS said we would be aiding and abbetting an offence should we allow Sala to travel on what is strongly suspected to be a forged and false French passport. French	

DATE/TIME	OCCURRENCE	COMMENTARY
24.5.74 contd	authorities here have been advised. Bleaney directed approach Spanish authorities for travel document. Rang Spanish Consul without any documents to prove he is a Spanish citizen. Full particulars must be sent to Spanish Embassy Canberra, otherwise docs. could be forwarded to Consul Sydney who would issue travel doc. Solicitor (Ryan) rang and advised Sala had applied for Spanish passport in New Delhi and he would try and obtain.	
27.5.74	Donald advised Bleaney of above. Telex from Vandereness of Immigration Sydney to Ward, Immigration Canberra advises Sala appeared District Court on 23rd May and fined $6,000 for attempting to take Australian currency out of Australia. Fined $150 for each of four charges relating to Section 233 (B) of Customs Act. Money $35,750 forfeited. Copy of deportation order handed to him after hearing and he asked to be moved as soon as possible.	

DATE/TIME	OCCURRENCE	COMMENTARY
27.5.74	File note from Donald to Mr Prexel directing Sala to be documented for deportation. " Check with CPS (Garry Brody if he has any proof of real identity. If so, present to Spanish Consul if not, all particulars to CO for forwarding to Spanish Embassy."	
27.5.74 11.20 a.m.	Telex from Van Der Ness, Immigration Sydney to Ward, Canberra advising outcome of court case and confirming that deportation order handed to Sala after hearing at which time Sala asked to be moved as soon as possible.	
27.5.74	File note Tom Prexel. Phoned CPF Mascot. Requested to speak to Garry Brody, he was not present. Requested the officers to tell Constable Brody to phone me.	
28.5.74	Receipt signed by Bruce Donald for one green covered booklet entitled Ajercito Espanol No. 3183596 issued to Raymond Sala Gilli of this State.	Note there is an envelope attached next to this item which contains no document.
28.5.74	Letter from Donald to Consul General of Spain re. Sala. Advises Consul General, Sala born in Lerida Spain on 4.10.41 and that he was in possession of a French passport believed to be false, that Sala convicted of drug and currency offences. Request issue of travel documents for Sala. Encloses the document Ajercito	

Espanol for as proof of identity.

DATE/TIME	OCCURRENCE	COMMENTARY
29.5.74	File note by Advises Spanish Consul contacted the author of the file note and advised he would issue travel documents on the strength of Ajercito Espanol if it could be established that Sala was the same person as Ramon Sala Gili. He suggested that the fingerprints on page 6 be compared with those of the of Sala. Author then went to Long Bay Jail where he spoke to Sala and he learnt the following: 1. Sala identified the document as his. 2. Explained his correct Spanish name was Ramon Llull Sala Gili. 3. Stated that he felt it was ridiculous that his French passport in the name of Ramon Lhull Sala should be accepted as evidence of his identity in court and that now when it was time to travel, the authenticity of the document was being questioned. 4. Refused to supply fingerprint without consent of lawyer. 5. Author told him that it would be his advantage to co-operate as it would mean he could leave the country at an early date. He said that if that meant that he could travel on a proper document, he did not mind if he had to wait a little longer.	

DATE/TIME	OCCURRENCE	COMMENTARY
	6. The author rang Sala's lawyer (probably Ryan but not specified) who refused permission for the author to take the fingerprints or photographs of his client. Since on instructions from Donald, author did not pursue the matter and proceeded to the General Officer of the prison where he found there were no photographs of Sala and that they only had a print of his right index finger which was not capable of being compared with that on the document. He advised there was no copy of the print available at present but this could be made available upon request.	It is interesting to note that on the one hand Sala or Morgan Ryan is making strenuous attempts to get Sala released and out of the country whilst on the other hand, he refused permission for Sala to be photographed or his fingerprints taken which had he done so, would have apparently hastened his client's departure.
29.5.74	File note comprising request by Donald to Dick Wilson of Immigration requesting him to interview Sala and supply comprehensive report. To	

DATE/TIME	OCCURRENCE	COMMENTARY
	incorporate Sala's wishes as to where he wants to be deported to, if he has a choice, and to cover thoroughly Sala's claims that he was a political exile.	
29.5.74	Van Der Ness of Immigration receives the Sala Passport, Sala's boarding pass and Sala's airline tickets to Hong Kong received from Inspector Strickland of the Commonwealth Police. Handwritten note below that receipt is worded, "Received all the above from J Van Der Ness of Immigration Department", signed Morgan Ryan, Solicitor, [redacted] Sydney."	
29.5.74	File note by Bruce Donald. Patricia Mullens, Secretary to Senator Murphy wanted to know what arranges made for Sala's departure, advised to depart tomorrow, Treloar advised of above.	
29.5.74	File note Bruce Donald - Morgan Ryan rang will arrange booking tomorrow for tomorrow night.	
29.5.74	File note Bruce Donald - Mr Treloar rang and required to know: 1. result of CPF enquiry 2. Where is passport - If with French, will they have him back 3. Did CPF refuse to return passport and why, was advised (Mr K Bleaney).	

DATE/TIME	OCCURRENCE	COMMENTARY
	Answers 1. no result yet 2. CPF hold passport, refused to hand over to solicitor as enquiries continuing and French authorities interested. CPF had shown passport to French Vice Consul who expressed opinion passport false. Consul indicated would not make own enquiries re. passport as CPF's enquiries would be quicker. Is keeping press clippings of case as was referred as to French citizen. Terry Boyle CPF claimed passport false because of photograph too recent, stitching impression of studs, quality of paper.	
30.5.74	File note by R Casey. Qantas confirms Sala booked Sydney/Singapore per QF001 1600 on 30.5.74. No record of Michelle Senanes.	
30.5.74	Release order addressed to Superintendent, Metropolitan Reception Prison, Mallabar, NSW signed by Bruce Maxwell Donald, Department of Immigration directing that Ramon Lhull Sala be released from custody.	
30.5.74 1630hrs	Sala departs Sydney on Qf001 after being escorted by Immigration and Ryan.	

DATE/TIME	OCCURRENCE	COMMENTARY
31.5.74 10.46 a.m.	Urgent telex from Van Der Ness, Immigration Sydney to Treloar, Immigration Canberra advising that Sala's departure oversighted on QF001 of 1630 hours 30.5.74. States that Sala stated his destination was Paris.	
Undated	File note. Terry Boyle advised enquiries to Interpol. Vice Consul shown passport, expressed opinion that it was false. Agreed Interpol enquiries would be quicker, would wait result. CPF told him they would advise outcome. Kept record of press clippings as he was referred to as French citizen. Did not indicate they would make separate enquiries. To Boyle's knowledge French have not interviewed Sala. Boyle to see French today. Photograph too up to date.	
	File note. 1. CPF Interpol Enquiry no reply this a.m. 2. Where is passport – CPF 3. Did police refuse to return. Have refused continuing enquiries and French authorities interested.	

DATE/TIME	OCCURRENCE	COMMENTARY
Undated contd	Pre-hearing discussions (political exile - prison) transcript of hearing list 1 - psychiatric report not reliable. Two reports nothing in common. Where he wants to go? CPF national status shown in French passport? If passport returned to French urgent enquiries re. authenticity, will they have back.	
4.6.74	Telex request form completed addressed to Mr F Inglis I.A.T.A. Representative C/- Qantas Sydney, advises Sala departed Australia QF001 on 30.5.74 understand destination Paris, France. Kindly alert all carriers Sala should not be provided with ticketting to or through Australia. Under no circumstances whatsoever will this man be permitted entry. Contents of this telex will be confirmed by letter to all carriers by my central office, signed Gibson, Travel Control, Immigration Sydney.	
26.6.74	Letter to Secretary, Department of Immigration from Morgan Ryan and Brock, attention Mr Van Der Ness. Signed by Morgan Ryan who advises that he is being requested by his	

DATE/TIME	OCCURRENCE	COMMENTARY
26.6.74 contd	client to request the return of his green military service book and request the same be handed to Mr G Geldart of his office.	
21.6.74 11.02 a.m.	From Van Der Ness, Immigration Sydney to Ward, Immigration Canberra. 1. Advice from Commonwealth Police that Senanes and Sala are at present in New Delhi. Above information confirmed by Morgan Ryan who had rung regarding the return of a document supplied by Sala ie. the military document or the Jerato Espaniol. Ryan stated that Sala required the document to "clear up his passport worries". Ryan also enquired about the possibility of Sala being permitted to re-enter Australia as he was interested in working with the Australian Film Unit. The availability of this position depending upon whether a grant of Government finance was forthcoming. Ryan advised Sala would not be able to return.	

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)

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

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

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.

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.

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

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.

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.

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.

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

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

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.

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) <u>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.</u>

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

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

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.

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.

[redacted]

(A.C.C. MENZIES)

29 February 1984

SALA CHRONOLOGY

14 APRIL 1974	:	Enters Australia.
28 APRIL 1974	:	Detained SKSA attempting to leave with $36,000.00 and narcotics. $33,000.00 concealed in false bottom of camera case.
29 APRIL 1974	:	Appears Redfern Court. Not represented. Applies for bail and refused.
30 APRIL 1974	:	Narcotics Bureau institute enquiries as to whether imported drugs on arrival.
31 APRIL 1974	:	Compol inspect passport and show it to French Vice Consul in Sydney. Doubts as ~~to~~ its validity expressed.
6 MAY 1974	:	Sala represented by D Wheelahan of counsel instructed by Morgan Ryan and Brock. Applies for bail. Remanded in custody until 14 May 1974.
8 MAY 1974	:	Compol institute Interpol enquiries re. false passport.
	:	Immigration Sydney advise Immigration Canberra that "Passport could be false ... Sala suspected of being courier. Brings drugs in collects payment and departs."
9 MAY 1974	:	Narcotics Bureau arrest Michael Olander re. importation of heroin. During interview he says that Sala is a drug courier.
	:	Immigration Canberra recommend to Minister Grassby that Deportation Order be signed. Also point out that passport could be false.
10 MAY 1974	:	Grassby signs Deportation Order.
14 MAY 1974	:	Sala appears before Cooney SM represented by Miles. Pleads guilty. Does not apply for bail. Remanded in custody to District Court.
	:	Pre Court Deputy Crown Solicitor's Office seeks B Donald of Sydney Immigration to consent to charge under Section 27(1)(c) Migration Act in relation to false passport adding that Bruce Miles and Morgan Ryan have advised that Sala will plead guilty. Immigration Canberra agree with Donald and refuse request. However add that Deportation Order will not be served until Court proceedings are complete.

20 MAY 1974 : Compol Inspector Dixon requests Immigration Canberra to identify Compol or Customs Officers who asked for quick Deportation Order. Canberra enquiries of Donald in Sydney who advises Sergeant Bill Taylor in favour of order in event of release on bail. No Customs Officers involved. Dixon advised accordingly.

23 MAY 1974 : Morgan Ryan rings Immigration Sydney and asks what wold happen to Sala if he is fined and released. He was told that Sala would be taken into custody with a view to deportation. Ryan asked if he could travel on French passport in his possession and where would he go. Ryan advised French passport would be used and that Sala would be ticketed to France.

24 MAY 1974 : Deputy Crown Solicitor (Harkins) rings Immigration Sydney and says that Immigration would be aiding and abetting an offence if allow Sala to travel on what is strongly suspected to be a forged and false French passport.

: Immigration Sydney directed to approach Spanish authorities for a travel document.

: Immigration Sydney contact Spanish authorities who advise that full particulars must be sent.

: Morgan Ryan rings Immigration Sydney and advises that Sala had applied for Spanish passport in New Delhi and he would try and obtain.

: Sala sentenced in District Court. Fined $6,000.00 for currency offence and $150.00 on each drug charge, total $6,600.00. Amount seized $35,950.00 forfeited.

: Deportation order served.

27 MAY 1974 : Immigration Sydney commence preparing for deportation utilising Spanish documents.

: Morgan Ryan and Brock send telegram to Honourable L K Murphy:

"Sir Urgent Attention. Please direct immediate release and deportation of Ramon Sala held in Long Bay Gaol. Fines having been paid and the Court orders of the 24.05.74 otherwise fulfilled."

28 MAY 1974 : Sydney Immigration write to Spanish Consul General requesting issue of travel documents. To enable identification as Spanish National document called Ejercto Espanol No. 3183596 enclosed.

: Spanish Consul General advises will issue travel document on strength of Ejercto Espanol if proved that Ramon Sala was same as Ramon Sala Gili shown in the document.

: Sydney Immigration visit Sala in gaol who says Ejercto Espanol is his. He questions why cannot have French passport back and advises would not object to few days delay if means that he can tavel on a proper document. Lawyer and Sala refuse to provide fingerprints or photographs to help identification.

: Arthur Watson rings Immigration Canberra and was advised of facts of matter and of Inspector Dixon's interest. Told Sydney office not yet in position to finalise arrangements for Sala's movement from Australia and that negotiations were in progress with the Spanish Consulate with a view to obtaining a restricted travel document to facilitate Sala's deportation to Spain.

29 MAY 1974 : Fines paid by Morgan Ryan and Brock - receipt H23879.

: Watson makes enquiries of Deputy Crown Solicitor's office. R Harkins, legal officer, "gave him the facts."

: Watson makes enquiries of Compol, Inspector Dixon, who objects on grounds that passport is overtly false and Sala appears to be a major drug trafficker. Watson states that he has pointed this out to the Attorney but that the Attorney is adamant that the passport be returned. Dixon requests written instructions.

: Immigration suspend all action on Spanish front "in view of Attorney-General's insistence that Sala should be allowed to leave Australia under his own arrangements using the suspect French passport..."

: Watson advised by Immigration Canberra that its view was "that it would be a most serious matter to allow Sala to leave Australia using a passport which not only the Australian officials but the French Vice Consul believe to be false."

: Foreign Affairs advised (at least to Immigration) that "whilst it would be preferable to await the outcome of the enquiries intitiated through Interpol, it would not be all that tragic from the point of view of Australia's relations with France were Sala to be allowed to leave using the French passport."

: Allegedly (by Immigration Canberra file) Attorney-General was notified fully of all views - ie. Immigration and Foreign Affairs.

: 4.30pm Attorney-General's Department telex Compol directing return of passport.

: Passport surrendered by Compol to Immigration Sydney and then returned to Morgan Ryan.

: Arthur Watson writes to Immigration directing Sala's release from custody and his passport returned.

: Attorney-General Private Secretary rings Donald (Immigration Sydney) enquiring as to Sala's departure arrangements.

30 MAY 1974 : Sala departs SKSA at 4.30pm escorted by J Vanderness of Immigration and Morgan Ryan.

4 JUNE 1974 : Interpol advise that Sala passport false and that Sala is a draft dodger with Military Court in Lorida.

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

[redacted]

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
BARTON 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 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

[redacted]

J F Thomson
Secretary

13 June 1986

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 - SAIA deportation matter.
2. Report of Mr A Watson - Saffron customs surveillance.

[redacted]

D N Durack
Instructing Solicitor

10 June 1986