

**IN-CONFIDENCE**

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

**FILE No.**

**C.18** /

ARCHIVAL ACTION

FORMER PAPERS

## LATER PAPERS

**TITLE**

## ALLEGATION No. 5.

## Related Papers

[illegible]

FILE NO.

18

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 Brieze 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 Brieze 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

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 misbehaviour 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 Brieze 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 Brieze'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 Brieze 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 23 JUL 1986

**Department of Immigration  
and Ethnic Affairs**

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

Our Ref: EL 8075

Your Ref:

Secretary  
Parliamentary Commission of Inquiry  
GPO Box 5218  
SYDNEY NSW 2001

ATTENTION: Mr David Durack

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


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

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

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

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

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

  
A. ROBERTSON  
for Secretary

21 July 1986

MEMORANDUM  
ALLEGATION NO. 5 SAFFRON SURVEILLANCE

TO: S. Charles Q.C.  
M. Weinburg  
D. Durack  
P. Sharp  
A. Phelan  
F. Thomson

FROM: A. Robertson

Date: 11th July 1986

Further to my earlier memorandum I have now seen a copy of the Attorney General's Department file 74/7034 dealing with the representations to the Attorney General by Morgan Ryan and Brock on the subject of Police injustice to Mr Saffron. This file contains a reply copy of the reply dated 14 September 1974 by the then Attorney General to Mrs Morgan Ryan and Brock. The operative part of the reply was as follows

Thus there was an opportunity to challenge the Australian Police evidence during the course of the sitting of the Royal Commission and, now that the evidence has received the consideration of the Mr Justice Moffit (sic) in the preparation of his findings and the report, which has been finalised, any change to or destruction of the evidence given to the Royal Commission would be impossible.

There is nothing on the file to suggest that the then Attorney General did anything other than to sign the draft reply to Mrs Morgan Ryan and Brock which had been prepared for his signature by the Attorney General's Department.

0112M



RECEIVED 11 JUL 1986

# Australian Customs Service

Reply to the Comptroller-General

Edmund Barton Building  
Canberra A.C.T. 2600

Quote

Telephone

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

Dear Mr Thomson

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

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

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

- in search of further activity?*  
*25.*  
*14/7*
- .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 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

A large black rectangular redaction box covering the signature of the sender.

( F/I Kelly )  
Deputy Comptroller-General

/s/ July 1986

3/4/86

Ryad M

[illegible]



SAFFRON 4.G

[illegible]





# Australian Customs Service

Reply to the Comptroller-General

Edmund Barton Building  
Canberra A C T 2600

Quote

Telephone

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

Dear Mr Walshe

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

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

- .84/97297 - Allegations Relating to Customs
- .84/97302 Surveillance of Mr A G Saffron
- .84/97303 Parts 1-3
  
- .75/15124 - Ministerial Representations on Behalf of Abraham Gilbert Saffron re Treatment Received on Arrival and Departure from Australia

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

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

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

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

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

Yours sincerely

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

( 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<br>Pt 1." |   |
| b) 84/97302 | - "  | " |
|             | Pt 2."   |   |
| c) 84/97303 | - "  | " |
|             | Pt 3."   |   |

2. DEPUTY CROWN SOLICITOR

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

3. ATTORNEY-GENERAL'S DEPARTMENT

Photocopy of file 74/5294

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



.....

DAVID DURACK

.....

WITNESS

DATE: 4 July 1986

10 92



RECEIVED - JUL 1986

ATTORNEY-GENERAL'S DEPARTMENT

TEL 71 9111

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

PLEASE QUOTE: MD86/9354  
YOUR REF:

7 July 1986

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

Attention: Mr. Fergus Thomson

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

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

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

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

  
(E. Carr)  
for Secretary

*in Ross*

*pls BIF to him track*

*on return*

*7.11*

*11*

*DD acknowledged  
receipt 14/7/86*

MEMORANDUM

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

FROM: A. ROBERTSON

RE: ALLEGED DIRECTION BY MURPHY J. AS ATTORNEY-GENERAL  
THAT SURVEILLANCE OF SAFFRON BE DOWNGRADED

The material supplied by A includes numerous documents from the Australian Federal Police and its predecessor the Commonwealth Police Force.

On the assumption that all the relevant papers are included the following facts emerge.

Saffron had been the subject of 100 percent baggage searches by Customs on arrival at Australian airports since at least 1972. He was suspected of being a drug trafficker. The Departmental alert contains a notation:

"100 percent baggage search only. Notify executive officer northern region on arrival. Every effort to be made to make baggage search appear normal. Advise CIIB."

Later this was changed to:

"If detected leaving Australia, notify Executive Officer Northern Region immediately - no other action. If detected on arrival in Australia - 100 percent baggage search only. Make every effort to make baggage search normal. Notify executive officer narcotics, northern and (illegible)".

The papers show 100 percent baggage search with nil result on 2nd July 1973 at Perth Airport again at Perth Airport on 12th August 1973. The notation was 100 percent baggage examination, nil result, nil unaccompanied baggage.

Against this background on 11 June 1974 Commissioner J.M. Davis sent a minute to the Officer-in-Charge, District of New South Wales to the effect that on 10 June 1974 Mr Morgan Ryan approached Deputy Commissioner J.D. Davies in Canberra and asked for Mr Saffron to be interviewed by Commonwealth Police in order to enable the force to be fully acquainted with his antecedents and, "to allow us the opportunity to ask him any questions we desired". It was said that the reason for this was stated to be because Commonwealth Police had been making enquiries concerning him. Mr Ryan said he was very perturbed by the allegations in the NSW Royal Commission on Crime in Clubs that Saffron was engaged in prostitution rackets and he believed Commonwealth Police were watching every movement he made.

In the result, Saffron attended district headquarters on 29 July 1974 in company with Messrs Bruce Miles and Morgan Ryan. They spoke to Inspector Farmer and Sergeant Wheatley. A transcript of the meeting is amongst the documents contained in the file. During the course of the interview Mr Saffron said:

"the second thing is that each time that I arrive back in Australia from an overseas trip I am always examined by the Customs. I thought originally that this was possibly a co-incidence but on one visit, I think in Perth, it was early in the morning and people lined up and they opened a loose leaf book and there was clearly the name Saffron".

Later he said:

"the other point I feel that I should have clarified is that each time I arrive back I am subject to scrutiny and in one case even a body search".

As I have said, the date of that interview was 29 July 1974. By a letter dated 1 August 1974 Messrs Morgan Ryan and Brock (B.R. Miles) wrote to Senator Murphy, the Attorney-General for the Commonwealth. The full text of the letter is as follows:

Re: Mr Abe Saffron

We act for the abovenamed. We believe that he has been the victim of a severe injustice, and on present appearances at the hands of the Australian Police.

Recently there have been proceedings before a Royal Commission in NSW upon crime in licensed clubs. Our client was called as a witness therein; suffered financial cost and endured considerable and unfavourable publicity; all due, it would seem, to a report given the Commission by the Australian Police.

Before Mr Saffron was called as a witness, neither he nor his Counsel had seen the report. However, the evidence he gave certainly seemed to refute the report's allegations.

The Australian Police were represented at the hearing and Counsel did not ask Mr Saffron a question or challenge him in any way.

Since the hearing Mr Saffron has sought and been granted a conference with senior officers of the Australian Police in Sydney and has been assured that no offence nor matter within their jurisdiction adversely affects him.

It would seem fair to us that, if, as we believe the police report is ill founded or unjustified it should be immediately destroyed - and more, the Department should, even at this late stage and before the Commission's judgement delivered, appropriately inform the Royal Commissioner.

In passing it should be noted that the statement, "Mr Saffron ... has been assured that no offence nor matter within their jurisdiction adversely affects him", was not an accurate summary of what appears at page six of the transcription of the meeting of 29 July 1974.

The copy of the letter to Senator Murphy in the files of the Australian Federal Police would of course have been sent for the purpose of the police assisting in the preparation of a reply. It is really the original copy of the Ministerial representation which will be contained in the files of the Attorney-General's Department that would or might show how the representation was dealt with.



Nevertheless a further interesting matter is that at the interview on 29 July 1974 it was pointed out to Messrs Ryan, Miles and Saffron that the examination at airport terminals was carried out by Customs officers rather than Commonwealth police. There is however, no inconsistency between that information and the fact that Messrs Morgan, Ryan and Brock wrote to the Attorney-General as the letter of August 1 1974 contained no complaint about the activities of Customs officers. That letter to the Attorney complained solely about the activities of the Commonwealth Police. It has nothing to do with surveillance at airports.

Also on the files of the Commonwealth Police is a memorandum from the Attorney-General's Department dated 13 August 1974 seeking the comments of the Commonwealth Police on the letter dated 1 August 1974 to the Attorney-General from Messrs Morgan Ryan and Brock. In passing one might note that a period of almost two weeks between the date of the letter and the referral of it to the Commonwealth Police for comment does not suggest any favourable treatment of the representation.

In the result by minute dated 29 August 1974 the Commissioner replied to the Secretary of the Attorney-General's Department stating in part that it was not the intention of the the Force to either attempt to withdraw or retract any statement made about Mr Saffron or to offer any apology for the emergence of such statement before a Royal Commission. It is not known what reply was sent by the Attorney-General's Department to Mr Saffron's solicitors.

The next relevant document that appears in the papers is of a further 100 percent baggage search by Customs with negative results on Saffron's arrival from Noumea on 7 October 1974. There is a further note that Mr Saffron was not approached by the Commonwealth Police. Again, on 21 November 1974 Saffron arrived at Perth Airport where there was a 100 percent baggage search 'nil result, nil unaccompanied baggage.'

By letter dated 14 January 1975 Messrs Morgan Ryan and Brock wrote to the Comptroller-General of Customs in the following terms:

"We act for Abraham Gilbert Saffron of [REDACTED]  
[REDACTED], Company Director.

We bring to your attention an interview at the Commonwealth Police Sydney Headquarters on the 29th July 1974 at which Mr Saffron, his solicitors and Commonwealth Police Officers attended".

It was clear then and more so now that Mr Saffron believes that he is being needlessly embarrassed and harrassed by the Commonwealth Authorities. In Mr Saffron's words an incident occurred like this:

" I left for overseas on Qantas flight to Hong Kong scheduled departure 12 noon delayed until 3pm.

Filled departure card in normal way and waited in the departure lounge to emplane. There was a further delay and all the passengers including myself were then asked to board. I then noticed a man and woman questioning all the men as they passed asking them if they were Mr Abe Saffron. They eventually came to me and asked me to step over to a counter.

They told me that they were Federal Officers and that they wished to question me about currency regulations. They then asked me how much money in travellers cheques I had on me of which I immediately told them and after several other questions they allowed me to board.

The whole incident was most embarrassing and quite unnecessary. No further incidents occurred until I returned to Australia on Wednesday 20th November 1974 at 2.30am at Perth International Airport. There I noticed that the Customs Officer checked his book and after this gave me the same thorough search that I had been receiving in the past, going through all my luggage and searching me personally. After this I was allowed to leave".

Clearly one course of action for Mr Saffron is take proceedings for arbitrary use of a power designed only for reasonable and proper use.

Mr Saffron does not wish to take this action but respectfully asks that such embarrassment and harrassment will not occur again.

We believe this to be a reasonable request particularly as apart from these incidents Mr Saffron has enjoyed respect and courtesy from Commonwealth Officers of both Departments.

A letter of the same date in identical terms was also sent to the Commissioner, Commonwealth Police (and, apparently to the Attorney-General or Minister for Customs and Excise)

The next documents show investigation by the Commonwealth Police of the origins of the various instructions in relation to Saffron. It is suggested that the Sydney office gave instructions to search Saffron for currency on 12 November 1974 on his departure from Sydney.

Next, there is a telex dated 30 January 1975 to the Assistant Collector, Air Services (Sydney) and Sub-Collectors at other airports and others amending the SAA on Saffron. The telex reads:

" Alleged harrassment of Saffron by Customs and CPF has been subject of ministerial representations.

Believe that Saffron may travel within a matter of hours.

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

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

There is then a further telex of the same date to the following effect:

" Please amend suspect alert advice so that 'action' reads as follows:

advise all travel details to Executive Officer, Northern Region/Commonwealth Police HQ/and CIIB.

Next there is the note for file of Sgt M. Martin. This reads:

" 30 January 1975 saw Kevin Wilson of Customs who told me that both the department and the Minister have received letters from Saffron's solicitor complaining about certain events in Sydney and Perth airports. I stated we have received similar correspondence.

Wilson stated the A.G. has directed that Saffron is NOT to receive a baggage search on future travel unless there is specific information on which to base same. He continued that as a result their CPCL entry is to be downgraded immediately to recording of travel details only and asked our view. I replied that the existing alert only calls for travel details on our behalf and that that has always been our position. We have never requested a search. Consequently advice with travel details is all that we require now".

It is believed that Saffron will go overseas 31 January 1975 Wilson is contacting Sydney airport to ensure Customs Officers give him a clear run.

Next, on 25 February 1975 the Attorney-General's Department again wrote to the police referring to the letters that Messrs Morgan Ryan and Brock wrote to the Attorney-General, to the Comptroller-General of Customs and to the Commissioner of Commonwealth Police. The Attorney-General's Department asked for comments and views upon the matter and a copy of any replies sent to Mr Saffron's solicitors. There is a notation in handwriting by, I assume, the Commissioner " I believe I issued certain instructions after Mr Ryan's visit." It does not appear whether the Commissioner is referring to the visit of 29 July 1984.

A draft reply, which was not sent, to the Attorney-General's Department said, in substance,

" as part of their duties at the International terminal Sydney, my officers enforce the provisions of the Banking (Foreign Exchange) Regulations. Mr Saffron was spoken to on 12 November 1974 but no offence was disclosed.

The papers then contain a minute to the Director, Prevention, Detection Services from Chief Inspector Wilson, dated March

1975. Mr Wilson, was the author of the telex dated 30 January 1975 which contained the sentence "Comptroller-General has directed that under no circumstances is he (Saffron) to be given a baggage (or body) search.

The minute is largely illegible but it appears that it takes the form of an answer to a complaint in relation to the "incident" at Sydney Airport on 12th November 1974. This was, of course, the matter raised in the letter by Messrs Morgan, Ryan & Brock dated 14 January 1975. The relevant part of the minute for present purposes is that which begins at the foot of page 2. Chief Inspector Wilson writes:

" Late in January I was advised by Mr D.K. O'Connor that representations had been received on behalf of Mr Saffron and that the Comptroller-General had directed a review of Saffron's Alert. I informed Mr O'Connor verbally of the history of the Alert and the present wording. I consulted with Director (Narcotics Beaureau) as the Alert had been raised by the Bureau's Northern Region and requested him to advise me whether the bureau's requirements could still be met by an Alert which directed that they be advised of travel movements only, and which contained no instructions regarding baggage search. I was advised within about a day that this arrangement would be satisfactory and on 30 January 1975 I telexed all States advising them that the "action" section of the Alert was to read as follows" Advise all travel details to Executive Officer, Northern Region, Commonwealth Police Headquarters and CIIB. I also sent another telex to all States and to the two major airports advising them of the representations that had been made and of a direction given by the Comptroller-General to Mr O'Connor that under no circumstances was Saffron to be given a baggage or body search when next he traveled.

Mr O'Connor was spoken to by the Committee of Permanent Heads into this matter. He said, amongst other things, that he had no communications with Senator Murphy in the matter and, to the best of his knowledge, Senator Murphy had no part in the decision. Mr O'Connor further recalled that after consultation with the Comptroller-General Mr Alan Carmody (now deceased), or the First Assistant Comptroller-General, Mr Ortlepp, also now deceased, he instructed Mr Wilson to draw the attention of Collectors to the downgrading of the Alert on Mr Saffron.

Returning to the papers, in the Commonwealth Police File there then follow a number of documents dealing with what actually happened at Sydney airport in November 1974. The investigations continued throughout March 1975 and April 1975. By a memorandum dated 27 May 1975 Mr J.M. Davis the Chief Commissioner, informed the Secretary that the incident to which Messrs Morgan Ryan & Brock referred was the departure of Mr Saffron on 12 November 1974 when he was spoken to by Commonwealth Police Officers with a view to detecting any breach of the (Banking Foreign Exchange) Regulations. It was suggested that the Secretary, Attorney-General's Department could be appraised of that information.

In the light of these documents it appears that the conclusion at paragraph 41 of the Report of the Permanent Heads on Allegations in the National Times of 10 August 1984 is, subject to one error, correct. That paragraph reads as follows:

" Apart from one document entitled 'note for file' prepared by Sergeant First Class Martin on 30 July 1975 discussed below, there is no record in Commonwealth Police records of any Ministerial direction or involvement in discussions to vary Customs surveillance of Saffron".

The reference to 30 July 1975 should of course, be to 30 January 1975.

At paragraph 43 of the Permanent Heads' report the statement is made that the note for file is "the only reference in the official papers of any Department or Force to any Ministerial involvement or direction in this matter". It is not of course possible to verify that conclusion without access to the full records of the Attorney-General's Department, the Customs Department and the Australian Federal Police. Nevertheless there is nothing to suggest that that conclusion is not accurate.

It will be recalled that Martin's note attributes to Kevin Wilson the statement that the AG had directed that Saffron was not to receive a baggage search. When interviewed by the Permanent Heads' Committee Mr Wilson said that while it was possible that the Attorney-General was the source of the direction, in all his dealings with the matter Mr Wilson believed that the direction came from the Comptroller-General.

For that reason and for the further reasons that appear in paragraphs 45 and 46 of the Report of the Permanent Heads I would recommend that the Parliamentary Commission, while treating the matter as an allegation, proceed in the manner suggested by section 5(3) of the Parliamentary Commission of Inquiry Act, that is, to have regard to the outcome of the Permanent Heads' inquiry into the allegation and report that it considers the conclusions reached by that Committee to be the right conclusions. Those conclusions were that the decision to reduce the customs surveillance of Saffron to providing advice and travel details was reasonable and appropriate; furthermore, that it was more probable than not that the decision to vary the surveillance of Saffron was made by the then Comptroller-General and, lastly, that that conclusion 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 Mr O'Connor.

In short, my recommendation is that the conduct to which the allegation goes is not conduct which could constitute misbehaviour. Further, and alternatively, there could appear to be no possibility of admissible evidence being brought to prove that the then Attorney-General's involvement in the matter was greater than that suggested by the Committee of Permanent Heads.



A. ROBERTSON

4/7/86



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 N74/64348 - Sala, Ramon - Sydney Office


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

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

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

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

Yours sincerely

  
J. F. Thomson  
Secretary

4 July 1986

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

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

Secondly, a David Fletcher of [REDACTED]

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

Wm Durack 22 3/7  
20 see please  
71.

## "Operation Comet"

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

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

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

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

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

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

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

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

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

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

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

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

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

# NARC!

Inside the Australian Bureau of Narcotics

Bernard Delaney  
the Bureau's former Southern Regional Commander

ANGUS & ROBERTSON PUBLISHERS

1979.

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

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

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

#### CUSTOMS SURVEILLANCE: ABRAHAM SAFFRON

##### Ministerial Statement

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

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

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

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

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

Custo

In a the ca about: in rela that p tion, le Police, the nai pol. Ir Comm reques forcem There Scotlar quest v lations Chipp in any motiva

Sena

Sena motiva establis unders sought would so, with ment c been m inform nations that o wishes that he the Spe the rep ments r ter from

Sena pared to

Sena report: corpora

Leav

The c

Senator t Leader o Minister Parliame CANBE Dear Mr

Your morning manent I August 1

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

**Senator Chipp**—Is it about the same man?

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

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

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

Leave granted.

*The documents read as follows*—

Canberra  
6 September 1984

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

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

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

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

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

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

Yours sincerely,

LIONEL MURPHY

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

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

#### Newspaper Article

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

'helped Saffron through Customs'

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

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

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

#### Letters by Solicitors

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

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

#### Background events

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

believe that Saffron may travel within a matter of hours

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

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

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

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

18. On 4 March 1975 the Department of Customs and Excise received from the Secretary, Attorney-General's Department, copies of the Correspondence dated 14

January from the Attorney-General and a matters raised a solicitors.

19. On 11 March 1975 Morgan Ryan and Brock wrote to the Attorney-General on 14 January and 186 of the subject to the contrary.

20. On the same day the Attorney-General received the letter of 14 January from Mr Saffron's solicitors. Mr Saffron's solicitors advised that they had advised that the examination of the letter was being conducted in Hong Kong.

21. Mr D. J. O'Connor, Comptroller-General of Customs, advised Mr Kevin Wilson that in his considerations of the matter, Mr O'Connor was of the view that the list of long standing cases was growing and that the list of long standing cases was growing by specific current cases.

22. Mr O'Connor advised that the Comptroller-General had ceased to be the Comptroller-General of Customs and Excise. Mr O'Connor also advised that the Comptroller-General had specifically to the Comptroller-General of Customs and Excise that the downgrading of the alert was issued, Customs and Excise had been inclined to do so.

23. Mr O'Connor advised that the Comptroller-General had knowledge, Senator Murphy, of the matter.

24. Mr Kevin Wilson advised that the Comptroller-General had left the Public Service and that the relevant evidence of what he had said in his statement in the matter was made the direction rather than the Minister.

25. While there is no input into the Comptroller-General of Customs and Excise does not enable us to input into the Comptroller-General of Customs and Excise, because Mr O'Connor, that this person may have been speaking to the Comptroller-General of Customs and Excise.

#### Action within the Department of Customs and Excise

26. The solicitors together with the Attorney-General's Department.

27. On 25 February 1975 the Department of Customs and Excise received from the Secretary, Attorney-General's Department, copies of the Correspondence dated 14

28. While the Department of Customs and Excise suggests that that the

January from Morgan Ryan and Brock to the Attorney-General and a request for comments and views upon the matters raised and a copy of any reply sent to Mr Saffron's solicitors.

19. On 11 March 1975 the Department replied to Morgan Ryan and Brock acknowledging receipt of their letter of 14 January and directing their attention to Sections 32 and 186 of the Customs Act (powers to search goods subject to the control of the Customs).

20. On the same day, the Department responded to the Attorney-General's Department, Canberra, advising that the letter of 14 January to the Comptroller-General from Mr Saffron's solicitors had been acknowledged and that no further action was contemplated. The letter also advised that Customs Officers were not involved in the examination of Mr Saffron when he departed for Hong Kong.

21. Mr D. O'Connor then Acting Assistant Comptroller-General (Special Services) recalls directing Mr Kevin Wilson, to review the alert on Saffron. Among considerations behind this decision mentioned by Mr O'Connor was the fact that, because the Suspect Alert List was growing rapidly, efforts were being made to cull the list of long standing alerts that could not be supported by specific current intelligence.

22. Mr O'Connor recalls that after consultation with the Comptroller-General (Mr Alan Carmody now deceased) or the First Assistant Comptroller-General (Mr B. Ortlepp also now deceased) he instructed Mr Wilson specifically to draw the attention of Collectors to the downgrading of the alert on Mr Saffron. Mr O'Connor's recollection is that, without such an instruction being issued, Customs officers who recognized Saffron may have been inclined to search him on the basis of his reputation.

23. Mr O'Connor states that he had no communications with Senator Murphy in the matter and, to the best of his knowledge, Senator Murphy had no part in the decision.

24. Mr Kevin Wilson who sent the telex messages has since left the Public Service. He has no clear recollection of the relevant events but is disposed to think, on the basis of what he had written in the Department's file and the statement in the telex, that the Comptroller-General made the directions and that the Comptroller-General, rather than the Minister, made the decision.

25. While there is no record in the records of the Department of Customs and Excise of Ministerial involvement in the decision, the information available to us does not enable us to state positively that the Minister had no input into the decision; the possibility cannot be excluded, because of the deaths of Mr Alan Carmody and Mr Ortlepp, that the Minister spoke to one of them and this person may have reflected the views of the Minister when speaking to Mr O'Connor.

#### Action within Attorney-General's Department

26. The solicitors' letter addressed to Senator Murphy together with attachments, was received in Attorney-General's Department on 21 January 1975.

27. On 25 February 1975 the Department wrote to both the Department of Customs and Excise and the Commissioner Commonwealth Police Force seeking their comments and views on the matters raised by the solicitors' letters and copies of any replies to those letters.

28. While the Department of Customs and Excise's file suggests that that Department on 11 March 1975 replied

to Attorney-General's Department's letter, a copy of the reply does not appear on Attorney-General Department's file.

29. No other action was taken by Attorney-General's Department in the matter. There is no record of any involvement by the Attorney-General in the matter and the officer who handled the matter from 28 January 1975 has stated that he has no recollection of any consultation with the Attorney-General or any direction being given by the Attorney-General. He is sure that he would remember if a direction had been given by the Attorney-General to him or (since 28 January 1975) to any other person in the Branch concerning the matter. On the Department's file, there is no record of further action except a notation dated 13 June 1975 which appears to be in the handwriting of Mr Johnston that Mr J. Ballard (the Acting First Assistant Secretary) had instructed him to have the matter removed from the computer list, that is, the computer list of Ministerial correspondence. This decision in effect meant that no further action needed to be taken in respect of the matter.

30. Mr Ballard is overseas and nothing, it would seem, would be served by seeking to interview him by phone.

#### Action within Commonwealth Police

##### Receipt of Solicitors' letter of 14 January 1975

31. The solicitors' letter was received in the Commissioner's office on 16 January 1975 and a formal acknowledgment was sent on 24 January 1975.

##### Prior action

32. Commonwealth Police interest in the activities of Abraham Gilbert Saffron can be traced back to the formation of the then Criminal Intelligence Unit of the Commonwealth Police under Commissioner R. Whitrod, and later Commissioner J. M. Davis. Saffron is a reputed organised crime figure in Australia. He had featured in the Moffitt Royal Commission into Organised Crime in Clubs, and was referred to by Justice Moffitt in his findings.

33. Witnesses recently interviewed and police documentation of the period point to the fact that in 1974 the Commonwealth Police were only interested in learning of Saffron's travel details and of his movements into and out of the country. There is no record to suggest that the Commonwealth Police requested Customs to conduct body or baggage searches of Saffron, or approved of such searches.

##### 1974 Commonwealth Police Force Search of Saffron:

34. Saffron departed Australia for Hong Kong from Sydney International Airport on 12.11.74 on Qantas Flight 276. Prior to his boarding Saffron was subjected to a currency check initiated by then Senior Constable I. A. McDougall who was accompanied by then Constable E. A. Harrison. McDougall was interviewed on 23 August 1984, and, although he had no vivid recollection of the event, stated that he had not received any direction from any person to conduct a currency search of Saffron, but that it was done on his own initiative knowing that Saffron was recorded as a suspect alert. A document recording the search of that date bears out that the search of Saffron took place and proved negative. Commonwealth Police did not search Saffron on his return to Perth late in November 1974. However his luggage was searched by Customs officers.



**Action in Commonwealth Police following receipt of solicitors' letter**

35. On receipt of this letter, inquiries were instituted to establish the circumstances of the previous searches of Saffron.

36. Inquiries were conducted by then Sergeant First Class Michael John Martin with the assistance of then Senior Constable Eric Curtis.

37. It was established by those inquiries that Commonwealth Police interest was confined to learning from Customs the arrival, departure and overseas travel details of Saffron.

38. Initially the member who searched Saffron, Senior Constable I. A. McDougall, could not remember the incident as it had occurred on 12 November 1974 and he was not approached about it until some five months later. When he did recall the incident he was firm in his belief that he had not been directed by any person to search Saffron, but that he did so of his own volition. It is understood that currency searches were carried out but were not confined to people such as Saffron.

39. Constable E. A. Harrison, present during the search of Saffron, submitted a report the same day (12.11.74), recording that Senior Constable McDougall conducted the search and that it had proved negative.

40. An unsigned minute on the Commonwealth Police file by the Chief Commissioner addressed to the Secretary, Department of Police and Customs reported receipt of Attorney-General's memo requiring information in relation to the Morgan Ryan & Brock letter, the currency search of Saffron on 12 November 1974 and suggested that Attorney-General's Department be apprised of this information. However it appears that this minute was not sent.

41. Apart from one document entitled 'note for file' prepared by Sergeant First Class Martin on 30 July 1975 discussed below there is no record in Commonwealth Police records of any Ministerial direction or involvement in discussions to vary Customs surveillance of Saffron.

**The note for file of Sergeant Martin**

42. The following document appears in the Commonwealth Police papers

'30 January 1975 saw Kevin Wilson of Customs who told me that both the Department and the Minister have received letters from Saffron's solicitor complaining about certain events at Sydney and Perth airports. I stated we have received similar correspondence.

Wilson stated the A.G. has directed that Saffron is NOT to receive a baggage search on future travel unless there is specific information on which to base same. He continued that as a result their C.P.C.L. entry is to be downgraded immediately to recording of travel details only and asked our view. I replied that the existing alert only calls for travel details on our behalf and that that has always been our position. We have never requested a search. Consequently advice of travel details is all we require now.

It is believed that Saffron will go overseas 31 January 1975. Wilson is contacting Sydney airport to ensure Customs Officers give him a clear run. M. Martin Sgt 1/C.

43. The significance of this document lies in the fact that it is the only reference in the official papers of any

Department or Force to any Ministerial involvement or direction in this matter.

**Mr Wilson's version**

44. Mr Kevin Wilson referred to in the note has a limited recollection of the episode and indicated that he would very much rather rely on what he had written at the time in the departmental file than on remarks attributed to him in Martin's note. While it was possible that the Attorney-General was the source of the direction, in all his dealings with the matter, Mr Wilson believed that the direction came from the Comptroller-General. He said that he quite often used the expression 'CG' for Comptroller-General, in fact more than 50% of the time and he used it regularly in his discussions with Sergeant Martin. It was quite possible in his view that Sergeant Martin used the wrong abbreviation when preparing the file note.

**Mr Martin's version**

45. Mr Martin has since left the force. Interviewed on 27 and 30 August 1984, he could not now recall the conversation which the note purported to record; however he rather thinks that what Wilson said, he (Martin) typed; he cannot recall Wilson using the expression 'CG'. While he could not say that Wilson had not said Comptroller-General that was unlikely because if he had he (Martin) was sure that he would have put Comptroller-General as the term 'CG' was not commonly used in the Police Force.

**Comment**

46. It may first be noted that the document is at best a fourth hand record of what happened. Further, while it would not be unusual for Wilson to say it would be most unlikely that he would have described a decision of his Minister as 'a decision of the AG'. Therefore in our view, it is more probable than not that Wilson said 'the CG has directed' and Martin misheard him and recorded it as 'the AG has directed'.

**Merits of decision**

47. It appears to have been accepted in both the Department of Customs and Excise and the Commonwealth Police Force that the decision to reduce the Customs surveillance on Saffron was not unreasonable and not inappropriate. This was because

the best way to alert a suspect was to check his baggage every time he travelled

nothing was therefore likely to be achieved by continually searching such people; it was more sensible to search only when there was specific justification for search on that occasion

too many entries on PASS would clog the system; vigilance had to be exercised to ensure entries were retained only for good reason.

Therefore there appears to have been no opposition at the time in either the Department or the force to the decision.

**Should Mr Justice Murphy be interviewed**

48. We have seen our role as extending to the examining of departmental records and arranging for the interview of officers and ex-officers involved but not to interviewing the former Minister, now Mr Justice Murphy. Our conclusion that the decision in question was appropriate and reasonable reduced the need to interview Mr Justice Murphy but Ministers may nevertheless wish to consider

**Customs**

whether ascertain time or consideration would be this report opportunity

49. On reached it

(a) for de from re.

(b) it via by

(c) the ter ha to

50. Has possibility Dated the

Senat- Australi

That th

I seek

Leave

Senat question Roberts some th of me w parent d. appropriate answer figures I estimates actual sp had only ment yes ment's c clearly in we have complete

Later i a long qu recall ran ters as we lance. In earlier br figures w against th there app

whether Mr Justice Murphy should be approached to ascertain whether he can recall if he was consulted at the time or gave directions in the matter and, if so, the considerations that he took into account. One possible course would be to provide Mr Justice Murphy with a copy of this report less the conclusions reached and afford him an opportunity to comment in writing on the report.

#### Conclusions

49. On the material available to us we have therefore reached the following conclusions—

- (a) for the reasons set out in paragraph 47, above, the decision to reduce the Customs surveillance of Saffron to providing advice of travel details was reasonable and appropriate
- (b) it is more probable than not that the decision to vary the Customs surveillance of Saffron was made by the then Comptroller-General; and
- (c) this does not rule out the possibility that the Minister spoke to the Comptroller-General who may have reflected the Minister's views when speaking to Mr O'Connor.

50. Having regard to our firm conclusion as to (a), the possibility mentioned in (c) loses much of its significance.

Dated the 4th day of September 1984.

**Senator CHIPP**—(Victoria—Leader of the Australian Democrats)—by leave—I move:

That the Senate take note of the statement and papers.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

#### COASTAL SURVEILLANCE

**Senator GARETH EVANS**—In answering questions about coastal surveillance from Senator Robertson and Senator Kilgarriff yesterday I said some things based on written briefs then in front of me which produced a suggestion of possible apparent discrepancies which I think it would be appropriate to clean up for the record. When answering Senator Robertson yesterday the figures I used measured the programmed Budget estimates of coastal surveillance spending against actual spending in 1983-84. These figures, which had only just been made available to the Government yesterday, give a true picture of the Government's commitment to coastal surveillance and clearly indicate that claims by the Opposition that we have cut spending on coastal surveillance are completely without foundation.

Later in Question Time Senator Kilgarriff asked a long question, which honourable senators will recall ranged far and wide covering defence matters as well as matters relating to coastal surveillance. In answering that question I relied on an earlier brief provided to me. This brief contained figures which measured only this year's estimate against the estimate of last year. On these figures there appears to be a very slight reduction in

funds committed to coastal surveillance for the coming year. However, the later figures show that we intend to spend more this year than we actually spent last year. With the Government's increased commitment to coastal surveillance demonstrated by the direct involvement of the Australian Federal Police in co-ordination and control of coastal surveillance, this target expenditure will certainly be met. I should add that the Minister for Defence advises, by way of a further answer to another matter that was raised in Senator Kilgarriff's question, that in this year's defence budget there will be a 2 per cent real growth in operating expenditure which includes Royal Australian Air Force flying hours. Contrary to some misguided comments, there have not been any cuts in operating costs either in this year's Budget or in last year's Budget. RAAF flying hours will increase by about 8 per cent over the figures for 1983-84.

#### STANDING COMMITTEE ON REGULATIONS AND ORDINANCES

##### Seventy-fifth Report

**Senator COATES** (Tasmania)—On behalf of the Standing Committee on Regulations and Ordinances I present the seventy-fifth report of the Committee dated September 1984 on legislation considered for the period February to June 1984.

Ordered that the report be printed.

**Senator COATES**—by leave—I move:

That the Senate take note of the report.

This is the third report of the Regulations and Ordinance Committee to be tabled this year. The seventy-fourth report was tabled in March and the Committee's special report on certain regulations and an ordinance, dealing with censorship, was tabled in May. The seventy-fifth report gives a full account of the Committee's scrutiny of delegated legislation over the period February to June 1984, during which time the Committee, on behalf of the Senate, examined 268 statutory instruments.

The Committee has sought and obtained promises of amendments to a number of instruments. Typical of provisions regarded by the Committee as defective are subjectively based decision making processes, persuasive burdens of proof on defendants, lack of appeal rights against decisions by public officials, penalties which go beyond the limit authorised by the principal legislation and conclusive certificates based upon a single judgment rather than that of an expert panel. This report includes a full account of the Committee's pursuit of the amendment of these and other provisions. I point out that during the period under

42<sup>nd</sup> Arch 5113

pos 21/205.

1967 51 C. App R  
204

1979 3 LLL 467

insult to

a judge

office

pos 24/49

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



J P 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

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

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



D N Durack  
Instructing Solicitor

10 June 1986