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DEPARTMENT OF THE SENATE
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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

THE SENATE

EIGHTEENTH REPORT
from the
STANDING COMMITTEE
on
REGULATIONS AND ORDINANCES

(Being the First Report of the 1962 Session, and the
Eighteenth Report since the formation of the Committee)

STANDING COMMITTEE ON REGULATIONS AND ORDINANCES

EIGHTEENTH REPORT OF THE COMMITTEE

The Standing Committee on Regulations and Ordinances has the honour to present its Eighteenth Report to the Senate.

CUSTOMS (PROHIBITED IMPORTS) REGULATIONS

2. The Committee has considered the amendments of the Customs (Prohibited Imports) Regulations contained in Statutory Rules 1962, No. 82.

3. The Customs (Prohibited Imports) Regulations, Statutory Rules 1956, No. 90 provide -

"(3) The importation into Australia of the goods specified in the First Schedule to these Regulations is prohibited absolutely."

The First Schedule includes the following items -

"(2) Advertising matter relating to any goods covered by this Schedule.

(7) Blasphemous, indecent or obscene works or articles."

4. The Amendments of the Customs (Prohibited Imports) Regulations contained in Statutory Rules 1962, No. 82, provide -

"1. The First Schedule to the Customs (Prohibited Imports) Regulations is amended by omitting item 7.

2. The Second Schedule to the Customs (Prohibited Imports) Regulations is amended by inserting after item 5 the following item -

'5A Blasphemous, indecent or obscene works or articles and advertising matter relating to blasphemous, indecent or obscene works or articles.'

,....."

5. The effect of the Regulations in Statutory Rule No. 82 of 1962 is, therefore, to transfer works or articles which are blasphemous, indecent or obscene from the list of goods the importation of which is absolutely prohibited by law to the list of goods the

importation of which is prohibited "unless the permission in writing of the Minister has been granted."

6. In evidence before the Committee, Mr. H. A. Forbes, an Assistant Comptroller-General of the Department of Customs and Excise, indicated that this was done primarily at the request of the Chairman of the Literature Censorship Board and was intended to permit the Minister to sanction importation of an occasional work for a particular person or body and for a particular purpose. The only example quoted was for use by a university for research.

7. The Minister's discretion is

- (a) Unrestricted in quantity;
- (b) Not limited to any particular purpose;
- (c) Not controlled by any conditions laid down in the regulations, such as a recommendation of the Literature Censorship Board; and
- (d) Unappealable.

8. In the opinion of the Committee, if the prohibition of importation of blasphemous, indecent or obscene literature is to cease to be absolute, the law should prescribe proper safeguards limiting the Minister's discretion. It is the written law, and not an uncontrolled Ministerial discretion which should regulate the importation of such works.

9. The Committee draws attention to the existence of other items in the Second Schedule to the principal regulations which are objectionable.

10. The Committee makes reference generally to its Eleventh Report and to paragraphs fourteen to seventeen of its Fifteenth Report.

Ian Wood

IAN WOOD
(Chairman)