



COMMONWEALTH OF AUSTRALIA

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO:

THE HONOURABLE ELLIOT FRANK JOHNSTON, QC

GREETING:

We DO by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and pursuant to the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, appoint you to be a Commissioner to inquire into:

- (a) deaths:
- (i) in the States of Western Australia and South Australia and the Northern Territory; and
 - (ii) where in a particular case, or any particular cases, you are so requested by the Honourable James Henry Muirhead under the existing Commission - elsewhere in Australia;

since 1 January 1980 of Aboriginals and Torres Strait Islanders (including any such death that may occur after the date of these Our Letters Patent) whilst in police custody, in prison or in any other place of detention, but not including such a death occurring in a hospital, mental institution, infirmary or medical treatment centre unless injuries suffered while in police custody, in prison or in any other place of detention caused or contributed to that death; and

- (b) any subsequent action taken in respect of each of those deaths including, but without limiting the generality of the foregoing, the conduct of coronial, police and other inquiries and any other things that were not done but ought to have been done:

AND We direct you:

- (c) to consult generally with the Honourable James Henry Muirhead with regard to the methods and procedures to be followed in relation to his and your inquiries; and
- (d) to conform with any guidelines issued or recommendations made by the Honourable James Henry Muirhead under the existing Commission in relation to those methods and procedures;

for the purpose of establishing a uniform approach in relation to those inquiries:

AND We further direct you if so requested by the Honourable James Henry Muirhead under the existing Commission:

- (e) to undertake inquiry into a particular death specified in the request; or
- (f) not to undertake inquiry, or further inquiry, into a particular death, as specified in the request:

AND We further direct you, when so requested by the Honourable James Henry Muirhead under the existing Commission, whether before or after the submission of your reports but not later than 31 December 1989, to consult with him in relation to the preparation of his report or reports and recommendations under that Commission:

AND We declare that you are authorised to conduct your inquiry into any matters under these Our Letters Patent in combination with any inquiry into the same or related matters that you are directed or authorised to make by any Commission issued, or pursuant to any order or appointment made, by any of Our Governors of the States or under the law of the Northern Territory of Australia:

AND We further declare that in these Our Letters Patent, the expression “existing Commission” means the commission of inquiry issued on 16 October 1987 by Our Administrator of the Government of the Commonwealth of Australia by Letters Patent (as subsequently varied on 21 December 1987) to the Honourable James Henry Muirhead:

AND We require you as expeditiously as practicable to make your inquiry and, not later than 30 June 1989 or such later date as We may be pleased to fix, to furnish to the Honourable James Henry Muirhead for his consideration and for furnishing by him to Our Governor-General of the Commonwealth of Australia under the existing Commission:

- (g) as soon as practicable after the completion of your inquiry into a particular death, a report of your findings in relation to that death; and
- (h) upon completion of your inquiry into the several deaths in accordance with these Our Letters Patent, a report of any other findings of your inquiry and such recommendations (if any) as you consider appropriate.

WITNESS His Excellency the Right Honourable Sir Ninian Martin Stephen, a member of Her Majesty’s Most Honourable Privy Council, Knight of the Order of Australia, Knight Grand Cross of The Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of The Royal Victorian Order, Knight Commander of The Most Excellent Order of the British Empire and Governor-General of the Commonwealth of Australia.

Dated this 6 day of May 1988

Governor-General

By His Excellency's Command,

Prime Minister