



## 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:

LEWIS WYVILL, QC

GREETING:

WHEREAS by Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on 6 May 1988 We appointed you to be a Commissioner to inquire into and report upon certain deaths in Australia since 1 January 1980 of Aboriginals and Torres Strait Islanders whilst in police custody, in prison or in any other place of detention and into certain matters relating thereto:

AND WHEREAS those Letters Patent were varied by Letters Patent issued by Our Governor-General of the Commonwealth of Australia on 27 October 1988:

AND WHEREAS it is desirable that those Letters Patent be further varied:

NOW THEREFORE 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, declare that the Letters Patent issued on 6 May 1988 (as varied by the Letters Patent issued on 27 October 1988) shall have effect on and from 12 o'clock noon on 28 April 1989 as if:

- (a) for the words "Our Letters Patent)" in subparagraph (a) there were substituted the words "Our Letters Patent but not including any such death that occurs after the expiration of 31 May 1989)";
- (b) for the penultimate paragraph (which is concerned with the meaning of the expression "existing Commission") there were substituted the following paragraphs:

"AND We further direct you, if immediately before 12 o'clock noon on 28 April 1989 you had not completed your inquiry under these Our Letters Patent into a death undertaken in accordance with a request made by the Honourable James Henry Muirhead, to continue with that inquiry as if the request had been made by the Honourable Elliott Frank Johnston under the relevant Commission unless or until you are requested by the Honourable Elliot Frank Johnston under the relevant Commission not to undertake further inquiry into that death:

AND We further declare that, for the purpose of conducting your inquiry and making your reports, you are authorised to have regard to any evidence received by, and any matters submitted to, you in the course of any inquiry, or part thereof, undertaken by you in accordance with a request made by the Honourable James Henry Muirhead under the Commission of inquiry issued to him on 16 October 1987 by Our Administrator of the Government of the Commonwealth of Australia by Letters Patent (as subsequently varied):

AND We further declare that, until guidelines are issued or recommendations are made by the Honourable Elliott Frank Johnston under the relevant Commission, the guidelines issued and recommendations made by the Honourable James Henry Muirhead under the Commission of inquiry issued to him on 16 October 1987 by Our Administrator of the Government of the Commonwealth of Australia by Letters Patent (as subsequently varied) continue to have effect for the purposes of these Our Letters Patent:

AND We further declare that in these Our Letters Patent, the expression “relevant Commission” means the Commission of inquiry issued on this day by Our Governor-General of the Commonwealth of Australia by Letters Patent to the Honourable Elliott Frank Johnston.”;

- (c) for the words “the Honourable James Henry Muirhead” (wherever elsewhere occurring) there were substituted “the Honourable Elliott Frank Johnston”;
- (d) for the words “the existing Commission” (wherever elsewhere occurring) there were substituted “the relevant Commission”; and
- (e) for the words “31 December 1989 or such later date” there were substituted “30 September 1990 or such later date”.

WITNESS His Excellency the Honourable William George Hayden, Companion of the Order of Australia, Governor-General of the Commonwealth of Australia.

Dated this 27th day of April 1989

Governor-General

By His Excellency’s Command,

Prime Minister