



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 PHILLIP GEORGE EVATT DSC, LL.B.

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 in pursuance of the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and other enabling powers, appoint you to be a Commissioner to inquire, for the purposes of the exercise and performance of the powers and functions of the Parliament and Government of the Commonwealth, into the following matters, namely -

- (a) the use of chemical agents in the course of hostilities in Vietnam during the period commencing on 31 July 1962 and ending at the expiration of 11 January 1973, insofar as they may have affected Australian personnel;
- (b) the effects on Australian personnel of exposure to the chemical agents used; and
- (c) the operation and administration of the Repatriation Act 1920, the Repatriation (Special Overseas Service) Act 1962 and any other relevant Acts, as applicable to claims by Australian personnel of chemical-caused disabilities:

AND, without restricting the scope of your inquiry, We direct you to inquire particularly into the following matters, namely -

- (d) the conditions in which Australian personnel served in Vietnam;
- (e) the nature, scale, purpose and manner of use of chemical agents;
- (f) the periods during which chemical agents were used, the locations of use, their subsequent spread and the location from time to time of Australian personnel;
- (g) the extent to which adequate safety precautions were taken and the extent to which adequate action was taken when any possible harmful effect of chemical agents became known;
- (h) the toxic properties, resulting from use separately or in combination, in relation to humans of each of the chemical agents used, with particular emphasis on, but not limited to, any direct or indirect carcinogenic, mutagenic, teratogenic or neurotoxic properties and the extent and duration of exposure necessary to affect humans;

- (i) evidence relating to the effects of any exposure to chemical agents on the mental and physical health and well-being of Australian personnel and any effects on the mental and physical health and well-being of their spouses;
- (j) evidence relating to the extent to which exposure to the chemical agents used has resulted in congenital anomalies among the children of Australian personnel;
- (k) notwithstanding any limitations contained in paragraph (a), the nature and extent of the safety precautions taken, during the disposal at any time by or on behalf of Australia of surplus chemical agents that were in Vietnam during the period commencing on 31 July 1962 and ending at the expiration of 11 January 1973;

AND We declare that in these Our Letters Patent -

- (l) the expression “Australian personnel” means any persons, including members of the Australian Defence Force, who were engaged in performing defence service or any other function for or on behalf of Australia in Vietnam, whether as employees or otherwise;
- (m) the expression “chemical agents” includes any herbicides (including defoliants), insecticides or chemical irritants; and
- (n) the expression “Vietnam” means the areas specified in the First and Fifth Schedules to the Repatriation (Special Areas) Regulations in force under the Repatriation (Special Overseas Service) Act 1962:

AND We require you to make such recommendations arising out of your inquiry as you think appropriate, including recommendations regarding the legislative or administrative changes, if any, that are necessary or desirable and the adequacy of present assistance available to Australian personnel:

AND, in particular, We require you to make such recommendations as you consider appropriate in relation to assistance which any Government Department may be able to give relating to the health problems of Australian personnel and the power of a Department to grant, and the adequacy of the present method of granting, assistance, with a view to ensuring that Australian personnel receive the full benefit of all available assistance:

AND We direct that, in making your inquiry, you have regard to any other matters which may appear to you to be relevant to any of paragraphs (a) to (k) (inclusive):

AND We further direct that, in making your inquiry, you have regard to the records kept by the Defence Force and to published studies and reports relating to the use and effects of chemical agents:

AND We require you as expeditiously as possible to make your inquiry and, not later than 30 June 1984 or such later date as We may be pleased to fix, to furnish to Our Governor-General of the Commonwealth of Australia a report of the results of your inquiry and your recommendations.

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, Knight of the Most Venerable Order of the Hospital of Saint John of Jerusalem, Governor-General of the Commonwealth of Australia and Commander-in-Chief of the Defence Force.

Dated this thirteenth day of May 1983.

Governor-General

By His Excellency's Command,

Prime Minister