

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 FRANCIS XAVIER COSTIGAN, Q.C., 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, on and from 1 October 1980, a Commissioner to inquire, for the purpose of the exercise and performance of the powers and functions of the Parliament and Government of the Commonwealth, whether the Federated Ship Painters and Dockers Union (hereinafter referred to as "the Union") or any officer or member of the Union has engaged in illegal activities in relation to Shipping engaged in trade and commerce between Australia and places outside Australia or among the States or ships operated by, or on behalf of, the Commonwealth or in relation to any naval establishment within the meaning of the Naval Defence Act 1910:

AND, without restricting the scope of your inquiry, we direct you, for the purpose of your inquiry, to give particular attention to the following questions:

- (a) whether any executive, administrative or other body forming part of, or established by, the Union has been used, or is being used, for the purposes of illegal activities, other than activities involving only breaches of laws, whether of the Commonwealth or a State, relating to trade unions;
- (b) whether the Union or any of its officials or member has been or is engaged in demanding or receiving payments (other than payments of any ordinary commercial nature or payments in accordance with an industrial award or agreement in respect of work actually performed or to be performed) from employers in other persons in relation to ships engaged in trade and commerce between Australia and places outside Australia or among the States, in relation to ships operated by, or on behalf of, the Commonwealth or in relation to any naval establishment within the meaning of the Naval Defence Act 1910 and, if any such payments have been made -
  - (i) the persons by whom and to whom any such payments have been made;
  - (ii) the reasons for, or the purpose of, any such payments;
  - (iii) the subsequent or proposed use or disposal of any such payments;

ENTERED ON RECORD by me, in Register of Patents No. 15, page 33,  
This Tenth day of September 1980.

DAVID N. REID  
Secretary to the Federal Executive Council

- (c) whether the Union or any officers or members of the Union have engaged in illegal activities in relation to the election or appointment of officers of the Union or the conduct or purported conducted of the Union's affairs;
- (d) if the Union or any officers or members of the Union have engaged in activities or any of the kinds referred to in this or the preceding paragraphs, whether the employment conditions applying to the work of ship painters and dockers have contributed to the development of those activities:

AND We direct 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 We further direct that any finding that the Union or any officer or member of the Union has engaged in conduct amounting to a criminal offence be made only on evidence, admissible in a Court of Law, sufficient to place the Union, officer or member on trial for that offence.

AND We further direct that, in making your recommendations, you have regard to the announced intention of the Government of the Commonwealth to introduce a system of reporting of demands for, and payments of, monies following the report of the Royal Commission into Alleged Payments to Maritime Unions by the Honourable Mr Justice Sweeney:

AND We declare that you are authorized 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 authorized to make by any Commission issued, or in pursuance of any order or appointment made, by any of Our Governors of the States:

AND We require you as expeditiously as possible to make your inquiry and -

- (e) not later than 31 March 1981, to furnish to Our Governor-General of the Commonwealth of Australia an interim report of the results of your inquiry; and
- (f) not later than 30 September 1981, 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 Sir Zelman Cowen, 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 of the Most Venerable Order of the Hospital of Saint John of Jerusalem, one of Her Majesty's Counsel learned in the law, Governor-General of the Commonwealth of Australia and Commander-in-Chief of the Defence Force.

Dated this tenth day of September 1980.

ZELMAN COWEN

Governor-General

By His Excellency's Command

Minister of State for Trade and  
Resources for and on behalf of the  
Prime Minister