



Victoria Government Gazette

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APPOINTMENT OF ROYAL COMMISSION

*At the Executive Council Chamber, Melbourne, the
seventeenth day of June 1985*

PRESENT:

The Lieutenant-Governor as Deputy for
His Excellency the Governor of Victoria
Mr Kennan | Mr Mathews

Whereas the Governor of the State of Victoria by and with the advice of the Executive Council deems it expedient that a Commission should on 17 June 1985 issue to Donald Gerard Stewart in the terms set out below.

Now therefore the Lieutenant-Governor as Deputy for His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council by this Order directs that a Royal Commission shall on 17 June 1985 issue constituting and appointing Donald Gerard Stewart to be a Commissioner to inquire into the following matters.

- (a) Whether any unlawful interception by a member of the police force of Victoria acting in collaboration with, or in the course of an investigation conducted by members of the police force of Victoria with, members of the New South Wales police force or the Australian Federal Police took place on or before 28 March 1985 in Victoria or New South Wales of communications passing over a telecommunications system;
- (b) If any such unlawful interception took place, whether there exists, in the possession of any person (including any member of the police force of Victoria or the Australian Federal Police) any information or material (including documents or tape recordings) arising out of or in relation to that interception, being information or material that discloses the commission of criminal offences or the possible Commission of criminal offences against a law of Victoria, New South Wales, the Commonwealth or a Territory of the Commonwealth and which warrants further investigation; and
- (c) The nature of the offences or possible offences disclosed by information and materials referred to in sub-paragraph (b).

And we direct that in making recommendations arising out of your consideration of the matters referred to in sub-paragraphs (a) and (b) of the preceding paragraph, you identify any person for whom you recommend the grant of an indemnity against prosecution for a criminal offence against a law of the State in connection with the interception of communications passing over a telecommunications system, being a person whom you consider to be in a position—

- (d) to give evidence which will tend or would have tended to render such documents, information or material admissible in a prosecution for a criminal offence against a law of the Commonwealth or of a State or Territory; or
- (e) to give information that may lead or that may have led to the discovery of evidence of such an offence.

And we further direct that any recommendation you make for the grant of an indemnity against prosecution for a criminal offence be a recommendation for the grant of an indemnity upon the following conditions, namely:

- (f) That the person concerned, in your opinion, gives his co-operation in the conduct of your inquiry, including the giving of evidence truthfully and withholding of nothing of relevance; and
- (g) That you are satisfied that the acts to which the indemnity would relate were done solely for the purpose of obtaining information for use in the investigation of crime.

And we further direct that in making any recommendations as to the grant of indemnities against prosecution, save in exceptional circumstances, you limit your recommendations to persons who have, within 28 days after the date of publications by you of a notice inviting persons to appear before you for the purposes of your inquiry into the matters specified herein, given to you notice in writing of their intention so to appear.

And we further direct that if, in relation to any person in respect of whom you recommend that an indemnity be granted, and who is, at the time at which you make your recommendation, a member of the Police Force

of Victoria, you are of the opinion that an undertaking should be given that no proceedings or other action of a disciplinary nature will be taken against that person under the law governing the Police Force of Victoria, and that the advancement of that person in the Police Force of Victoria shall not be adversely affected, by reason of the acts to which the indemnity would relate, you shall recommend that an undertaking be given to that person accordingly.

And we further direct that any recommendation you make for the giving of an undertaking of the kind referred to in the last preceding paragraph be a recommendation for the giving of such an undertaking upon the following conditions, namely:

- (h) That the person concerned, in your opinion, gives his co-operation in the conduct of your inquiry, including the giving of evidence truthfully and withholding of nothing of relevance; and
- (i) That you are satisfied that the acts to which the undertaking would relate were done solely for the purpose of obtaining information for use in the investigation of crime.

And we further direct that in making any recommendations as to the giving of undertakings of the kind referred to in the two last preceding paragraphs, save in exceptional circumstances, you limit your recommendations to persons who have, within 28 days

after the date of publication by you of a notice inviting persons to appear before you for the purposes of your inquiry into the matters specified herein given to you notice in writing of their intention so to appear.

And we further direct that you report on the extent to which the conditions specified in sub-paragraphs (f) and (g) of the fifth last preceding paragraph and in sub-paragraphs (h) and (i) of the second last preceding paragraph have been complied with by the persons to whom they relate.

And we require you to make such further recommendations arising out of your inquiry as you think appropriate, including recommendations as to the method of enforcement of the criminal law and the legislative or administrative changes (if any) that are necessary or desirable in the light of the results of your inquiry.

And we require you as expeditiously as possible to make your inquiry and not later than 31 December 1985 to furnish to the Governor of the State of Victoria a report of the results of your inquiry and recommendations in relation to the matters specified herein.

And the Honourable James Harley Kennan, Her Majesty's Attorney-General for the State of Victoria, shall give the necessary directions herein accordingly.

L. G. HOUSTON
Clerk of the Executive Council