



Victoria Government Gazette

No. 86—Thursday, 20 August 1981

APPOINTMENT OF ROYAL COMMISSION

At the Executive Council Chamber, Melbourne, the twentieth day of August, 1981

PRESENT:

His Excellency the Governor of Victoria
Mr Houghton | Mr Maclellan

Whereas the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, hath deemed it expedient that a Commission should forthwith issue to JOHN SPENCE WINNEKE, Q.C., in the terms set out below.

Now therefore, His Excellency the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, by this Order, directs that a Royal Commission shall forthwith issue constituting and appointing JOHN SPENCE WINNEKE, Q.C., to be a Commissioner to inquire whether The Australian Building Construction Employees' and Builders Labourers' Federation (hereinafter referred to as "the Federation") or any officer or member of the Federation in the course of or in relation to the affairs of the Federation, has engaged in any illegal, improper or corrupt activities (other than activities involving only breaches of the law whether of the Commonwealth or a State relating to trade unions).

And without restricting the scope of your inquiry, we direct you, for the purposes 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 or associated with the Federation, has been used, or is being used, for the purposes of illegal, improper or corrupt activities (other than activities involving only breaches of laws, whether of the Commonwealth or a State, relating to trade unions);
- (b) whether the Federation or any of its officials or members have been or are engaged in demanding or receiving directly or indirectly any payment, reward or other benefit or in causing any payment, reward or other benefit to be received by any other person (other than in the ordinary course of commercial dealing or pursuant to a contract of employment in respect of work actually performed or to be performed) from employers or other persons and, if any such payment, reward or benefit has been made or given—
 - (i) the persons by whom and to whom any such payment, reward or benefit has been made or given;
 - (ii) the reasons for, or the purpose of, any such payment, reward or benefit;
 - (iii) the subsequent or proposed use or disposal of any such payment, reward or benefit.
- (c) whether the Federation or any officers or members of the Federation have engaged in illegal, improper or corrupt activities in relation to the election or appointment of officers of the Federation or the purported conduct of the Federation's affairs.

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

And we do by these presents give and grant unto you full power and authority to call before you such person or persons as you shall judge likely to afford you any information upon the subject of this Our Commission, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And we declare that you are authorized to conduct your inquiry into the matters mentioned aforesaid under these our Letters Patent in combination with any inquiry into the matters that you are directed or authorized to make by any Commission or Commission issued, or in pursuance of any Order or appointment made, by the Governor-General of the Commonwealth of Australia or the Governor of any State of the Commonwealth of Australia.

And we will and command that this Our Commission shall continue in full force and virtue and that you shall and may from time to time and at any place or places proceed in the execution thereof, and of every matter and thing therein contained although the same be not continued from time to time by adjournment.

And we require you as expeditiously as possible to make your inquiry not later than 28 February 1982, or such later date as We may be pleased to fix, to report to Us under your hand and seal a report of the results of your inquiry and your recommendations.

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

TOM FORRISTAL
Clerk of the Executive Council

