



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 Terence Rhoderic Hudson Cole AO RFD QC

WHEREAS it is desired to have an inquiry into certain matters relating to decisions or actions of Australian companies mentioned in the Final Report (“Manipulation of the Oil-for-Food Programme by the Iraqi Regime”) of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme:

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 other enabling powers, We appoint you to be a Commissioner to inquire into and report on:

- (a) whether any decision, action, conduct, payment or writing of any of the three Australian companies mentioned in the Final Report (“Manipulation of the Oil-for-Food Programme by the Iraqi Regime”) of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme, or any person associated with one of those companies, might have constituted a breach of any law of the Commonwealth, a State or Territory; and
- (b) if so, whether the question of criminal or other legal proceedings should be referred to the relevant Commonwealth, State or Territory agency.

AND We declare that in these Letters Patent:

A person is associated with a company if the person is:

- (a) a member, officer (within the meaning of the *Corporations Act 2001*), employee, agent or adviser of, or a contractor to, the company; or
- (b) another company that is, in relation to the company, a related body corporate or related entity (within the meaning of the *Corporations Act 2001*); or
- (c) a member, officer (within the meaning of the *Corporations Act 2001*), employee, agent or adviser of, or a contractor to, a company mentioned in paragraph (b).

AND We declare that the Commission established by these Letters Patent is a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions act 1902*.

AND We direct that you conduct your inquiry, to the extent possible, so as to avoid public disclosure of commercially sensitive or confidential material which your inquiry requires to be produced to it.

AND We require you to begin your inquiry as soon as practicable, to conduct your inquiry as expeditiously as possible, and, not later than 31 March 2006, to furnish to Our Governor-General of the Commonwealth of Australia the report of the results of your inquiry and such recommendations as you consider appropriate.

WITNESS His Excellency Major General Philip Michael Jeffery, Companion of the Order of Australia, Commander of the Royal Victorian Order, Military Cross, Governor-General of the Commonwealth of Australia.

Dated 10 November 2005

Governor-General

By His Excellency's Command

Attorney-General
for the Prime Minister