



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 JAMES McCLELLAND
JILL FITCH
WILLIAM JAMES ALBERT JONAS

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 every other enabling power, appoint you to be Commissioners to inquire, in relation to the British nuclear tests (hereinafter referred to as “the tests”) that were conducted in Australia during the period of twelve years commencing on 1 January 1952, into the following matters, namely -

- (a) the measures that were taken before and at the time of the tests, and have since been taken, for the purpose of protecting persons in and about Australia and the External Territories against exposure to the harmful effects of ionising radiation and against contact with radioactive substances and other toxic materials used in or produced by the tests;
- (b) whether the measures so taken were adequate for that purpose, having regard to the measures considered appropriate for the protection of health and the standards applicable, at the time of the tests as well as at the present time: and
- (c) whether the health of persons in and about Australia and the External Territories was or has been adversely affected by reason of exposure to the harmful effects of ionising radiation or contact with radioactive substances or other toxic materials used in or produced by the tests:

AND, without restricting the scope of your inquiry or in any way limiting the generality of the foregoing, We direct you -

- (d) to inquire particularly into the following matters, namely:
 - (i) the management and conduct of the tests including the criteria for safe firing of the tests;

- (ii) the arrangements made both at the time of the tests and afterwards to exclude unauthorized persons from areas that in relation to the tests were prohibited areas or restricted areas for the purposes of the Defence (Special Undertakings) Act 1952 or otherwise;
 - (iii) radiological and other health physics standards and practices associated with the tests;
 - (iv) atmospheric atomic fallout monitoring arrangements associated with the tests;
 - (v) the disposal within Australia of buildings, equipment and materials that were at the test sites;
 - (vi) the measures taken, both at the time of the tests and afterwards, to manage the test sites and
- (e) in conducting your inquiry to have particular regard to the following persons, namely, members of the Australian Defence Force and civilians at the test sites, Royal Australian Navy personnel in the vicinity of the tests at Monte Bello Islands, Royal Australian Air Force personnel, including decontamination teams, involved in atomic cloud sampling and tracking operations and Aboriginals and other civilians in the general regions of the test sites:

AND, without restricting the scope of your inquiry, We further direct you, for the purposes of your inquiry, to have regard to the following documents;

- (f) the reports of the Australian Ionising Radiation Advisory Council known as No. 2 of 1975, Nos. 4 and 5 of 1979, No. 7 of 1980 and No. 9 of 1983.
- (g) the report entitled "Health of Atomic Test Personnel" prepared by the Department of Health in 1983;
- (h) Final Report on Residual Radioactive Contamination of the Maralinga Range and the Emu Site by N. Pearce (Atomic Weapons Research Establishment Report No. 0-16/68);
- (i) Report of the Expert Committee on the Review of Data on Atmospheric Fallout arising from British Nuclear Tests in Australia made to the Minister for Resources and Energy in May 1984;
- (j) British Atomic Tests in Australia Chronology of Events 1950-1968 by Dr J.L. Symonds:

AND We request you -

- (k) in respect of any particular matter that is, or becomes, in issue between the parties in proceedings in a court or before any other tribunal relating to the death or personal injury of any person alleged to arise out of the tests, to order that the evidence be taken in private if you consider that the taking of the evidence in public might directly affect the rights of a party to those proceedings; and
- (l) where any part of your report under these Our Letters Patent recites evidence the subject of an order referred to in paragraph (k), states conclusions or makes recommendations the publication of which would impinge directly on a particular

matter in issue between the parties in such proceedings, to furnish that part as a separate report with a recommendation whether or not it should be published:

AND We further request you to order that evidence, being classified documents, or the contents of classified documents, of the Government of the United Kingdom, be taken in private unless that Government consents to the taking of that evidence in public and, where any part of your report under these Our Letters Patent contains such classified documents or recites the contents of such documents and that Government has not consented to publication of that part, to furnish that part as a separate report with a recommendation whether or not it should be published;

AND We appoint you the Honourable James McClelland to be the President of the said Commissioners:

AND We further direct that, for the purpose of taking evidence, two Commissioners, one of whom shall be the President, shall be sufficient to constitute a quorum and may proceed with the inquiry under these Our Letters Patent:

AND We declare that in these Our Letters Patent -

- (m) the expression "British nuclear tests" includes the tests associated with the British nuclear tests known as the minor trials and the experimental programme; and
- (n) the expression "test sites" means the sites of the British nuclear tests:

AND We further direct you to make such recommendations arising out of your inquiry as you think appropriate, including recommendations regarding the future management and use of the test sites:

AND We require you as expeditiously and on as informal a basis as possible to make your inquiry and, not later than 30 June 1985 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 sixteenth day of July 1984.

Governor-General

By His Excellency's Command,

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