



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 MR JUSTICE ROBERT MARSDEN HOPE, C.M.G.,
Judge of Appeal, Supreme Court of New South Wales

GREETING:

WHEREAS it is desired to have a judicial review of the activities of Australia's security and intelligence agencies, namely, the Australian Security Intelligence Organization, the Australian Secret Intelligence Service, the Defence Signals Directorate, the Joint Intelligence Organisation and the Office of National Assessments (hereinafter called "the agencies"):

NOW THEREFORE 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 a Commissioner to inquire into, and in relation to -

- (a) the activities of the agencies, especially since the completion of the inquiry made by the Royal Commission appointed on 21 August 1974 to inquire into matters relating to the intelligence and security services of the Australian Government (hereinafter called the Royal Commission on Intelligence and Security), with particular reference to -
 - (i) the progress made in implementing Government decisions on the recommendations of the Royal Commission on Intelligence and Security and of the Protective Security Review;
 - (ii) whether the agencies have efficiently, effectively and properly served the interests of the Australian people and Government, including whether effective arrangements exist for the establishment of policies and priorities, for the co-ordination of their activities and for the oversight of their work;
 - (iii) whether any changes in existing law and practices are required or desirable -
 - (A) to ensure that the agencies are properly accountable to Ministers and the Parliament;
 - (B) in relation to keeping the Leader of the Opposition informed on matters relating to security and intelligence;

- (C) to provide for proper safeguarding, including safeguarding against unauthorised publication, of intelligence, including information provided by foreign governments in confidence;
- (iv) whether there is adequate provision for effective redress for any persons who may be unjustifiably disadvantaged by actions of the agencies;
- (v) whether existing law enables effective oversight by the Auditor-General of the Australian Security Intelligence Organization and the Australian Secret Intelligence Service in financial matters;
- (b) whether the activities of the Australian Security Intelligence Organization, especially since the completion of the inquiry made by the Royal Commission on Intelligence and Security, have been carried out in compliance with the law, in particular the Australian Security Intelligence Organization Act 1956, the Australian Security Intelligence Organization Act 1979, the Telephonic Communications (Interception) Act 1960 and the Telecommunications (Interception) Act 1979;
- (c) further to the inquiry in relation to paragraphs (a) and (b) above, all the circumstances, including the actions of the Government, surrounding the expulsion from Australia of Mr Valeriy Nikolayevich Ivanov, First Secretary, Embassy of the Union of Soviet Socialist Republics, and the involvement of Mr Harvey David Mathew Combe in those circumstances; and
- (d) any other related matters to which the attention of the Commission is directed by the Prime Minister in the course of the inquiry:

AND We require you as expeditiously as possible to make your inquiry and to furnish to Our Governor-General of the Commonwealth of Australia -

- (e) first and as soon as possible, a report of the results of your inquiry and recommendations in relation to the matters specified in paragraph (c); and
- (f) a report or reports as soon as possible, and in any event not later than 30 June 1984, of the results of your inquiry and recommendations in relation to the matters specified, or referred to, in paragraphs (a), (b) and (d).

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 seventeenth day of May 1983.

Governor-General

By His Excellency's Command,

Prime Minister