



ENTERED ON RECORD by me in Register of Patents No. 36 , page 39 , on 29 August 2001.

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 RFD QC

WHEREAS it is desired to have an inquiry into certain matters relating to the building and construction industry:

BY these 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 the following matters in relation to the building and construction industry:

- (a) the nature, extent and effect of any unlawful or otherwise inappropriate industrial or workplace practice or conduct, including, but not limited to:
 - (i) any practice or conduct relating to the *Workplace Relations Act 1996*, occupational health and safety laws, or other laws relating to workplace relations; and
 - (ii) fraud, corruption, collusion or anti-competitive behaviour, coercion, violence, or inappropriate payments, receipts or benefits; and
 - (iii) dictating, limiting or interfering with decisions whether or not to employ or engage persons, or relating to the terms on which they be employed or engaged;
- (b) the nature, extent and effect of any unlawful or otherwise inappropriate practice or conduct relating to:
 - (i) failure to disclose or properly account for financial transactions undertaken by employee or employer organisations or their representatives or associates; or
 - (ii) inappropriate management, use or operation of industry funds for training, long service leave, redundancy or superannuation;
- (c) taking into account your findings in relation to the matters referred to in the preceding paragraphs and other relevant matters, any measures, including legislative and administrative changes, to improve practices or conduct in the building and construction industry or to deter unlawful or inappropriate practices or conduct in relation to that industry.

AND We declare that, in these Letters Patent:

A reference to the 'building and construction industry' does not include, the building or construction of single dwelling houses unless part of a multi-dwelling development;

A reference to 'practice or conduct' includes acts and omissions;

A reference to 'law' includes a law of the Commonwealth, a State or a Territory and the common law.

AND We declare that the Commission established by these Letters Patent:

- (a) is a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*; and
- (b) is a Commission to which paragraph 16 (4) (k) of the *Income Tax Assessment Act 1936* applies.

AND We direct that you inquire into whether any practice or conduct that might have constituted a breach of any law should be referred to the relevant Commonwealth, State or Territory agency.

AND We require you as expeditiously as possible to make your inquiry and, not later than 6 December 2002, 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 the Right Reverend Dr Peter John Hollingworth, Companion of the Order of Australia, Officer of the Most Excellent Order of the British Empire, Governor-General of the Commonwealth of Australia.

Dated 29. 8. 2001

Governor-General

By His Excellency's Command

**Minister for Employment, Workplace
Relations and Small Business
for the
Prime Minister**

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