



# Victoria Government Gazette

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**SPECIAL**

ELIZABETH THE SECOND BY THE GRACE OF GOD QUEEN OF AUSTRALIA AND  
HER OTHER REALMS AND TERRITORIES, QUEEN, HEAD OF THE COMMONWEALTH

To: Lex Lasry QC

GREETINGS:

WHEREAS:

- A. By Letters Patent in Our Name by the Governor of the State of Victoria in the Commonwealth of Australia, by and with the Executive Council and acting pursuant to s88B of the Constitution Act 1975 on 21 December 1999 and which were recorded in the Register of Patents Book No 42, Page No. 50 on that day, you were appointed and constituted to be Our Commissioner to inquire into and report upon the matters referred to in the Letters Patent by 5 July 2000 or such later date as WE may be pleased to fix.
- B. Those Letters Patent were amended by Letters Patent which were recorded in the Register of Patents Book No 42, Page No. 53 on 16 May 2000.
- C. It is expedient to fix a later reporting date and to amend further the terms of the inquiry specified in the said Letters Patent by removing one term and to modify another.

NOW THEREFORE the Governor of the State of Victoria, in the Commonwealth of Australia by and with the advice of the Executive Council and acting pursuant to s.88B of the **Constitution Act 1975** hereby:

- 1 Amends the said Letters Patent by fixing 1 December 2000 as the date upon which you are directed to furnish US with a report of the results of your inquiry and of your recommendations.
- 2 Amends the said Letters Patent by:
  - (i) omitting paragraph 3; and
  - (ii) substituting for paragraph 7, the following:
    - "7. Whether there has been illegal or improper failure by any person to release or disclose documents or other improper conduct in relation to the following requests under the Freedom of Information Act 1982:
      - (a) the request made to the Metropolitan Ambulance Service by J. Thwaites on 30 May 1997 in the following terms:

"All documents relating to the four ministerial briefing notes referred to in paragraph 3 in the briefing note of 19 February (attached) including any internal memoranda advising that the four ministerial briefing notes had been located, any memoranda relating to the proposed release of the four ministerial briefing notes, any instructions or memoranda in relation to the non-release of the four ministerial briefing notes, any documents explaining why the four ministerial briefing notes were not released, any legal advice in relation to the ministerial briefing notes, and any file records, diary notes or other records in relation to the four ministerial briefing notes."
      - (b) the requests which were considered on 17 September 1999 by Warren J in the action in the Supreme Court of Victoria, number 6919 of 1999 entitled Metropolitan Ambulance Service v. Victoria Police."
- 7A. Whether there has been illegal or improper failure by any person to release or disclose documents or other improper conduct in relation to the following request made by J Thwaites on 22 December 1994 to the Metropolitan Ambulance Service under the Freedom of Information Act 1982 after the decision of the Administrative Appeals Tribunal made on 5 February 1996 in relation to that

request reported as Re Thwaites and Metropolitan Ambulance Service (1996) 9  
VAR 427:

"All documents since 3 May 1994 relating to the contracting out of non-emergency ambulance services including any contracts entered into, work descriptions, expressions of interest, invoices and amounts paid."

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Seal of our State to be hereunder affixed.

L.S.

WITNESS His Excellency the Honourable Sir James Augustine Gobbo, Companion of the Order of Australia, Governor of Victoria and its dependencies in the Commonwealth of Australia at Melbourne this 30th day of May Two thousand in the forty -eighth year of Our reign.

James Gobbo

By His Excellency's Command

Steve Bracks  
Premier

Entered on the record by me in the Register of Patents Book No 42 Page No. 56 on the 30th day of May 2000.

Bill Scales  
Secretary,  
Department of Premier and Cabinet

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