



Australian Capital Territory

Inquiries Amendment Act 2003

A2003-52

An Act to amend the *Inquiries Act 1991*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Inquiries Amendment Act 2003*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Act amended

This Act amends the *Inquiries Act 1991*.

4 Section 14A

substitute

14A Presenting reports

- (1) The Chief Minister may present a copy of a report or part of a report submitted by a board to the Legislative Assembly.
- (2) The Chief Minister may make a report or part of a report public whether or not the Legislative Assembly is sitting and whether or not the report or part has been presented to the Assembly.
- (3) The Chief Minister is not civilly or criminally liable in relation to the publication of a report or part of a report.

14B Chief Minister to explain non-presentation of report

- (1) This section applies if—
 - (a) a board submits a report to the Chief Minister under section 14A; and
 - (b) the Chief Minister does not present a copy of the report to the Legislative Assembly or otherwise publish the report within the reporting period.

- (2) On the next sitting day after the end of the reporting period, the Chief Minister must present to the Legislative Assembly a written statement explaining why a copy of the report was not presented or otherwise published within the reporting period.

- (3) In this section:

reporting period, for a report, means the shorter of the following periods:

- (a) either—

- (i) if there is a sitting day within 1 calendar month after the day the report is submitted by the board to the Chief Minister—1 calendar month after the day the report is submitted; or
- (ii) if there is no sitting day within 1 calendar month after the day the report is submitted by the board to the Chief Minister—the period ending on the 1st sitting day after the report is submitted;

- (b) the period ending on the 2nd last sitting day before the polling day for the next general election of members of the Legislative Assembly.

5 Section 18

substitute

18 Procedure

In conducting an inquiry, a board—

- (a) must comply with the rules of natural justice; and
- (b) is not bound by the rules of evidence but may inform itself of anything in the way it considers appropriate; and
- (c) may do whatever it considers necessary or convenient for the fair and prompt conduct of the inquiry.

6 New section 26A

in division 3.2, insert

26A Proposed adverse comments in reports

- (1) The board must not include a comment in a report of an inquiry that is adverse to an entity who is identifiable from the report unless the board has, before making the report, given the entity a copy of the proposed comment and a written notice under subsection (2).
- (2) The written notice to the entity must—
 - (a) tell the entity that the entity may—
 - (i) make a submission to the board in relation to the proposed adverse comment; or
 - (ii) give the board a written statement in relation to the proposed adverse comment; and
 - (b) tell the entity that, if the entity makes a submission or gives a written statement in relation to the comment, the submission or statement, or a summary of it, will be included in the board's report of the inquiry; and
 - (c) state the period within which a submission in relation to the comment may be made or statement given.
- (3) The period allowed under subsection (2) (c) must end not earlier than 14 days after the day the notice is given.
- (4) A copy of a submission made, or statement given, in relation to the comment within the time allowed must be included in the board's report of the inquiry.
- (5) However, if the board is satisfied on reasonable grounds that a submission made, or statement given, in relation to the comment is excessively long or contains defamatory or offensive language, the board may include a fair summary of the submission or statement in the report of the inquiry instead of the submission or statement.

7 Section 38

substitute

38 Publication of published proceedings, reports and comments protected

- (1) The proceedings of a board of inquiry are taken to be a proceeding of public concern for the *Civil Law (Wrongs) Act 2002*, section 128.
- (2) Subsection (1) does not apply in relation to the publication of a report of proceedings, or a part of proceedings, if a direction given under section 21 (3) restricts publication of the proceedings or part of them and the publication of the report contravenes the direction.
- (3) A board of inquiry report that has been made public by the Chief Minister is taken to be a public document for the *Civil Law (Wrongs) Act 2002*, section 129.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 28 August 2003.

2 Notification

Notified under the Legislation Act on 3 December 2003.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Inquiries Amendment Bill 2003 which was passed by the Legislative Assembly on 25 November 2003.

Clerk of the Legislative Assembly

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