

2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

Royal Commissions Amendment Bill 2003

A Bill for

An Act to amend the *Royal Commissions Act 1991*

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

1 **1 Name of Act**

2 This Act is the *Royal Commissions Amendment Act 2003*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Act amended**

8 This Act amends the *Royal Commissions Act 1991*.

9 **4 Section 16**

10 *substitute*

11 **16 Presenting reports**

12 (1) The Chief Minister may present a copy of a report or part of a report
13 submitted by a commission to the Legislative Assembly.

14 (2) The Chief Minister may make a report or part of a report public
15 whether or not the Legislative Assembly is sitting and whether or
16 not the report or part has been presented to the Assembly.

17 (3) The Chief Minister is not civilly or criminally liable in relation to
18 the publication of a report or part of a report.

5 Section 23

substitute

23 Procedure

In conducting its proceedings, a commission—

- (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 35A

in division 4.4, insert

35A Proposed adverse comments in reports

- (1) The commission 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 commission 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 commission in relation to the proposed adverse comment; or
 - (ii) give the commission 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

- 1 statement, or a summary of it, will be included in the
2 commission's report of the inquiry; and
- 3 (c) state the period within which a submission may be made or
4 statement given.
- 5 (3) The period allowed under subsection (2) (c) must end not earlier
6 than 14 days after the day the notice is given.
- 7 (4) A copy of a submission made, or statement given, in relation to the
8 comment within the time allowed, must be included in the
9 commission's report of the inquiry.
- 10 (5) However, if the board is satisfied on reasonable grounds that a
11 submission made, or statement given, in relation to the comment is
12 excessively long or contains defamatory or offensive language, the
13 board may include a fair summary of the submission or statement in
14 the report of the inquiry instead of the submission or statement.

7 Section 49

16 *substitute*

49 Publication of published proceedings, reports and comments protected

- 19 (1) The proceedings of a hearing before a commission are taken to be a
20 proceeding of public concern for the *Civil Law (Wrongs) Act 2002*,
21 section 60.
- 22 (2) Subsection (1) does not apply in relation to the publication of a
23 report of proceedings, or a part of proceedings, if a direction given
24 under section 28 (3) restricts publication of the proceedings or part
25 of them and the publication of the report contravenes the direction.
- 26 (3) A report of a commission that has been made public by the Chief
27 Minister is taken to be a public document for the *Civil Law*
28 (*Wrongs) Act 2002*, section 61.

- 1 (4) A person is not civilly liable for a comment made honestly in
2 relation to a commission's report of an inquiry.
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Endnote

Republications of amended laws

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