

**LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

INQUIRIES (AMENDMENT) BILL 1994

EXPLANATORY MEMORANDUM

**CIRCULATED BY AUTHORITY
OF ROSEMARY FOLLETT MLA
CHIEF MINISTER**

AUSTRALIAN CAPITAL TERRITORY INQUIRIES (AMENDMENT) BILL 1994

OUTLINE

The Inquiries Act 1991 (the Act) provides for the conduct of inquiries in the ACT.

The Bill amends the Act to put beyond doubt the privileges and immunities attracted by a report or part of a report of an inquiry submitted to the Chief Minister.

The Chief Minister spoke in the Assembly on 15 June 1994 on the desirability of putting this matter beyond doubt, given some uncertainties that had arisen regarding the status of the report into the contract between ACTTAB and VITAB.

Section 14 of the Act provides for a report of a Board set up under the Act to be submitted to the Chief Minister. The Chief Minister would have the option of tabling the report and, once tabled, the report would attract the usual privileges and immunities. The Act is silent, however, on the privileges and immunities that attach to such a report if it is made public without being tabled.

The Royal Commissions Act 1991, by way of contrast, provides for a report of a Royal Commission to be covered by privilege prior to its being tabled. Section 16 of that Act provides that the Chief Minister may make a report or part of a report public whether or not it has been tabled and that, where the Chief Minister does make a report public prior to its being tabled, it attracts the same privileges and immunities it would have if it had been tabled.

The Bill will provide for a similar regime to apply to reports submitted to the Chief Minister under the Act. When the Chief Minister makes public a report of an inquiry submitted to him or her under the provisions of the Act, the report will attract the same privileges and immunities as if it had been laid before the Legislative Assembly.

Financial considerations:

There are no financial implications flowing from the Bill.

EXPLANATION OF CLAUSES

Formal clauses

Clauses 1, 2 and 3 are formal clauses. Clause 1 provides for this law to be known as the Inquiries (Amendment) Act 1994. Clause 2 provides for automatic commencement of the law upon notification in the Gazette. Clause 3 defines the Inquiries Act 1991 as the "Principal Act".

Status of published report of inquiry

Clause 4 provides for the insertion into the Inquiries Act 1991 of a new section 14A to provide that a report or part of a report of a Board set up under the Act that is submitted to the Chief Minister will attract the same privileges and immunities as if the report or part of the report had been laid before the Legislative Assembly.