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ROYAL COMMISSIONS AMENDMENT BILL 2013

Second Reading

The Hon. MARIE FICARRA (Parliamentary Secretary) [6.09 p.m.], on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

It gives me great pleasure to speak about the Royal Commissions Amendment Bill 2013. Why is the Government making these amendments? The changes will support the work of the National Royal Commission into Institutional Responses to Child Sexual Abuse, which were established by the Commonwealth on 11 January 2013. Six royal commissioners have been appointed to conduct the inquiry and the Commonwealth Government has introduced amendments to its legislation to allow one or more of the commissioners to hold separate hearings. The New South Wales bill before us contains similar provisions. It will allow the chairman of the current royal commission as well as future New South Wales royal commissions to authorise other commissioners to sit and hold separate hearings and to exercise the chairperson's powers.

The amendments under the New South Wales legislation will ensure that the national royal commission will have equivalent powers available to it under both the Commonwealth and the New South Wales legislation if it needs to rely on the State's powers. This will mean that the national royal commission will be able to carry out its inquiries and hearings concurrently, should it wish to do so, and will enable it to gather information more quickly than if all six members were required to conduct hearings together.

How will the witnesses be protected from legal liability? Section 11 of the Royal Commissions Act 1923 and section 17 of the New South Wales Special Commissions of Inquiry Act 1983 currently provide that a witness summoned to attend or appearing before a royal commission or special commission of inquiry shall have the same protection, and shall in addition to the penalties provided under those Acts be subject to the same liabilities in any civil or criminal proceeding as a witness in any case tried in the Supreme Court. The bill will ensure that these protections will also extend to a person who voluntarily provides information or documents to a New South Wales royal commission or special commission of inquiry. The purpose of the amendment is to allow witnesses to provide relevant information to an inquiry in a variety of ways without needing to fear that civil or criminal proceedings may be commenced against them simply because they choose to provide information to an inquiry in a less formal manner.

Why is the Government not introducing the same private session provisions as the Commonwealth Government? That question was posed in the other place. The Commonwealth has introduced amendments to legislation to ensure that the normal protections of a royal commission will apply during informal conferences—called "private sessions" in the Commonwealth bill—where people may wish to tell their story in closed sessions to the national royal commission. The Government does not consider it necessary at this stage to include similar amendments in this New South Wales legislation. The Commonwealth will be relying on its own legal powers when conducting the private sessions rather than the powers of the States, and the New South Wales legislation already provides legal protection to witnesses appearing before the New South Wales royal commissions and special commissions of inquiry.

Why is the Government changing the legal qualifications required to be held by a royal commissioner to exercise certain powers such as the powers relating to contempt? Under the Royal Commissions Act 1923 a number of special powers can only be exercised by a chairperson or sole commissioner if he or she has certain legal qualifications. The special powers are set out in division 2 of part 2 of the Act and include powers relating to holding a person in contempt of a royal commission, the power to issue a warrant to arrest a witness who failed to answer a summons, and the power to override privileges such as a witness's privilege against self-incrimination and legal-professional privilege. To exercise the powers the commissioner must be a current judge of the High Court, a State Supreme Court or the Federal Court, or a legal practitioner of at least seven years standing. This unnecessarily narrows the field from which the qualified candidates for appointment may be drawn.

Under the amendments made by the bill, retired judges as well as senior lawyers who are qualified to hold judicial office will also be eligible for appointment. This will make the qualifications consistent with the legal qualifications required to be appointed as a commissioner under the Special Commissions of Inquiry Act 1983 and for a number of standing commissions including the independent commission of inquiry, the Crime Commission and the Police Integrity Commission.

How is the Government working with the national royal commission? The national royal commission was established by the Commonwealth on 8 January 2013 and has received strong support from the public, stakeholders and the New South Wales Government. The Premier has told the Prime Minister that the national royal commission will have the full support and cooperation of New South Wales government agencies. The New South Wales Governor issued the New South Wales Letters Patent in support of the national royal commission on 25 January 2013 and the purpose of this bill is to also support the work of the national royal commission. The New South Wales Government will work with the royal commission to ensure a smooth and efficient process in New South Wales, and the Department of Premier and Cabinet has established an interagency coordination group to facilitate the Government's participation. We are determined to do what we can to protect children from sexual abuse and to improve institutional responses to child sexual abuse.

Do the amendments affect the current New South Wales special commission of inquiry relating to the investigation of certain child sexual abuse allegations in the Hunter region? Only one of the amendments affects the current New South Wales special commission of inquiry. In particular, the bill will amend the Special Commission of Inquiries Act 1983 to clarify that a person who voluntarily provides information or documents to a special commission of inquiry will have the same protection as a witness appearing before an inquiry. This amendment will apply to the current New South Wales special commission of inquiry as well as to future special commissions of inquiry.

The Government is proud of its work to help victims of child sexual abuse and their families. The Government provides a number of support services to victims of child sexual abuse and their families. Victims Services, which is part of the Department of Attorney General and Justice, provides support, information, referrals, advice, counselling and compensation to victims of violent crime, including child sexual abuse, and their families. The Victims Access Line of Victims Services provides 24-hour support and a single point of entry for accessing these services. Further information and links may be found on the website www.sexualassault.nsw.gov.au. NSW Health provides services to children and adult survivors of child sexual assault, including forensic and medical examinations and treatment, crisis and ongoing counselling, and prevention activities. The New South Wales Government also provides funding for non-government organisations providing services to child and adult survivors of child sexual assault. These changes are essential. They are warranted and supported by the public. I hope that they will gain the support of every honourable member. I commend the bill to the House.

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