

ROYAL COMMISSIONS (AMENDMENT) BILL, 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to amend the Royal Commissions Act, 1923 (“the Act”), so as to provide that the power of a commissioner to require the production of a document extends to require the production of documents and other things (Schedule 1); and
- (b) to provide that Division 2 of Part II of the Act applies to the Royal Commission being conducted by the Honourable Donald Gerard Stewart (clause 3).

Division 2 of Part II of the Act (as proposed to be amended)—

- (a) empowers a commissioner to issue a warrant to apprehend a witness who fails to attend the commission;
 - (b) provides that a witness may not be excused from answering any question or producing any document or other thing on the ground of self-incrimination, but limits the circumstances in which such an answer or such a document or other thing is admissible in evidence against the witness; and
 - (c) confers on a commissioner the powers of the Supreme Court in respect of compelling the attendance of witnesses, compelling witnesses to answer questions or produce documents or other things and punishing persons for contempt or disobedience of an order or summons.
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ROYAL COMMISSIONS (AMENDMENT) BILL, 1985

No. , 1985.

A BILL FOR

An Act to amend the Royal Commissions Act, 1923, in relation to the production of documents and other things for the purposes of a Royal Commission; to apply certain provisions of that Act to the Honourable Donald Gerard Stewart in connection with certain inquiries under that Act; and for other purposes.

Royal Commissions (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Royal Commissions (Amendment) Act, 1985".

Amendment of Act No. 29, 1923.

2. The Royal Commissions Act, 1923, is amended in the manner set
10 forth in Schedule 1.

Application of certain provisions of the Royal Commissions Act, 1923, to the Stewart Royal Commission.

3. (1) In this section—

15 "appointed Commissioner" means the Honourable Donald Gerard Stewart, being the person appointed by the Governor by letters patent dated 24th June, 1981, to be a commissioner to make inquiry into certain matters;

20 "Commission" means the commission issued to the Honourable Donald Gerard Stewart by the Governor by letters patent dated 24th June, 1981, and as affected by letters patent issued on 28th March, 1983, and as varied by letters patent issued on 3rd April, 1985, and as further affected or varied by any other letters patent (whether issued before or after the commencement of this Act).

(2) The provisions of Division 2 of Part II of the Royal Commissions Act,
25 1923, have effect in relation to the Commission as if—

(a) the appointed Commissioner were a Judge of the Supreme Court;
and

(b) section 17 (4) of that Act had never been enacted,
and, without affecting the generality of the foregoing, references in that
30 Division to the "commissioner" shall accordingly be read and construed as including a reference to the appointed Commissioner.

Royal Commissions (Amendment) 1985

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE ROYAL COMMISSIONS ACT, 1923.

(1) Section 4, definition of "Document"—

5 Before the definition of "Reasonable excuse", insert:—

"Document" includes any book, register or other record of information, however compiled, recorded or stored.

(2) Section 8—

10 Omit "books, documents, or writings", insert instead "documents or other things".

(3) Section 11—

Omit "book, document, or writing" wherever occurring, insert instead "document or other thing".

(4) (a) Section 12 (1)—

15 Omit "documents, books, or writings", insert instead "documents or other things".

(b) Section 12 (1)—

After "and" where secondly occurring, insert " , in the case of documents produced before it,".

20 (c) Section 12 (2)—

Omit "books, documents, writings or accounts", insert instead "documents or other things, or (without affecting the generality of the foregoing) any accounts,".

(5) Section 17—

25 Omit "book, document, or writing" wherever occurring, insert instead "document or other thing".

Royal Commissions (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ROYAL COMMISSIONS ACT, 1923—*continued.*

- (6) Section 18 (1) (c)—
 5 Omit “books documents and writings”, insert instead “documents and other things”.
- (7) (a) Section 19—
 Omit “documents books or writings” wherever occurring, insert instead “documents or other things”.
- (b) Section 19 (2)—
 10 Omit “documents, books, or writings,”, insert instead “documents or other things”.
- (8) (a) Section 23—
 Omit “book document or writing”, insert instead “document or other thing”.
- 15 (b) Section 23—
 Omit “illegible or undecipherable or incapable of identification”, insert instead “incapable of identification or, in the case of a document, renders it illegible or undecipherable”.
- (9) (a) Section 23A—
 20 Omit “book, document, or record” wherever occurring, insert instead “document or other thing”.
- (b) Section 23A (1)—
 Omit “book, document or record”, insert instead “document or other thing”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985





ROYAL COMMISSIONS (AMENDMENT) ACT, 1985, No. 73

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 73, 1985.

An Act to amend the Royal Commissions Act, 1923, in relation to the production of documents and other things for the purposes of a Royal Commission; to apply certain provisions of that Act to the Honourable Donald Gerard Stewart in connection with certain inquiries under that Act; and for other purposes. [Assented to, 15th May, 1985.]

Royal Commissions (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Royal Commissions (Amendment) Act, 1985".

Amendment of Act No. 29, 1923.

2. The Royal Commissions Act, 1923, is amended in the manner set forth in Schedule 1.

Application of certain provisions of the Royal Commissions Act, 1923, to the Stewart Royal Commission.

3. (1) In this section—

"appointed Commissioner" means the Honourable Donald Gerard Stewart, being the person appointed by the Governor by letters patent dated 24th June, 1981, to be a commissioner to make inquiry into certain matters;

"Commission" means the commission issued to the Honourable Donald Gerard Stewart by the Governor by letters patent dated 24th June, 1981, and as affected by letters patent issued on 28th March, 1983, and as varied by letters patent issued on 3rd April, 1985, and as further affected or varied by any other letters patent (whether issued before or after the commencement of this Act).

(2) The provisions of Division 2 of Part II of the Royal Commissions Act, 1923, have effect in relation to the Commission as if—

(a) the appointed Commissioner were a Judge of the Supreme Court; and

(b) section 17 (4) of that Act had never been enacted,

and, without affecting the generality of the foregoing, references in that Division to the "commissioner" shall accordingly be read and construed as including a reference to the appointed Commissioner.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE ROYAL COMMISSIONS ACT, 1923.

(1) Section 4, definition of "Document"—

Before the definition of "Reasonable excuse", insert:—

"Document" includes any book, register or other record of information, however compiled, recorded or stored.

(2) Section 8—

Omit "books, documents, or writings", insert instead "documents or other things".

(3) Section 11—

Omit "book, document, or writing" wherever occurring, insert instead "document or other thing".

(4) (a) Section 12 (1)—

Omit "documents, books, or writings", insert instead "documents or other things".

(b) Section 12 (1)—

After "and" where secondly occurring, insert ", in the case of documents produced before it,".

(c) Section 12 (2)—

Omit "books, documents, writings or accounts", insert instead "documents or other things, or (without affecting the generality of the foregoing) any accounts,".

(5) Section 17—

Omit "book, document, or writing" wherever occurring, insert instead "document or other thing".

Royal Commissions (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ROYAL COMMISSIONS ACT, 1923—*continued.*

(6) Section 18 (1) (c)—

Omit “books documents and writings”, insert instead “documents and other things”.

(7) (a) Section 19—

Omit “documents books or writings” wherever occurring, insert instead “documents or other things”.

(b) Section 19 (2)—

Omit “documents, books, or writings,”, insert instead “documents or other things”.

(8) (a) Section 23—

Omit “book document or writing”, insert instead “document or other thing”.

(b) Section 23—

Omit “illegible or undecipherable or incapable of identification”, insert instead “incapable of identification or, in the case of a document, renders it illegible or undecipherable”.

(9) (a) Section 23A—

Omit “book, document, or record” wherever occurring, insert instead “document or other thing”.

(b) Section 23A (1)—

Omit “book, document or record”, insert instead “document or other thing”.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

Government House,
Sydney, 15th May, 1985.