

# ROYAL COMMISSIONS (AMENDMENT) ACT 1991 No. 58

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Royal commissions Act 1923 No. 29
4. Transitional

## SCHEDULE 1—AMENDMENTS

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**ROYAL COMMISSIONS (AMENDMENT) ACT 1991 No. 58**

NEW SOUTH WALES



**Act No. 58, 1991**

An Act to amend the Royal Commissions Act 1923 to specifically authorise Royal Commissions to communicate information and furnish material to certain other persons or bodies; and for other purposes. [Assented to 11 December 1991]

*Royal Commissions (Amendment) 1991*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Royal Commissions (Amendment) Act 1991.

**Commencement**

2. This Act commences on the date of assent.

**Amendment of Royal Commissions Act 1923 No. 29**

3. The Royal Commissions Act 1923 is amended as set out in Schedule 1.

**Transitional**

4. An amendment made by this Act extends to a commission under the Royal Commissions Act 1923 and subsisting at the commencement of this Act.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 12 (**Inspection and copies of documents**):

After section 12 (2), insert:

(3) When the retention of a document or other thing ceases to be reasonably necessary for the purposes of the inquiry to which it relates, the commission is required, if a person who appears to the commission to be entitled to the document or other thing so requests, to cause it to be delivered to that person.

(4) The requirement under subsection (3) does not apply if the commission has furnished the document or other thing or proposes to furnish it to a person or body referred to in section 12A or the commission deals with it or proposes to deal with it otherwise according to law.

SCHEDULE 1—AMENDMENTS—*continued*

## (2) Section 12A:

After section 12, insert:

**Communication of information etc.**

12A. (1) A commission may communicate any information or furnish any material (including evidence) that it obtains in the course of the inquiry conducted by it to a Commission of Inquiry, if the information or material relates or may relate to matters within the terms of reference of the Commission of Inquiry.

(2) A commission may communicate any information or furnish any material (including evidence) that it obtains in the course of the inquiry conducted by it to a law enforcement agency, if the information or material relates or may relate to a breach of a law of the State, of another State or Territory or of the Commonwealth.

(3) In this section:

**“Commission of Inquiry”** means a person or body holding a commission to inquire into and report on any matters and having:

- (a) powers under this Act; or
- (b) powers under another law of the State or under a law of another State or Territory or of the Commonwealth, being in either case a law that has the same or a similar purpose or effect as this Act (such as the Royal Commissions Act 1902 of the Commonwealth);

**“law enforcement agency”** means a person or body with responsibilities for the enforcement of laws of the state, of another state or Territory or of the Commonwealth, including but not limited to any of the following:

- (a) the Attorney General of New South Wales, of another State or Territory or of the Commonwealth;
- (b) the Director of Public Prosecutions of New South Wales, of another State or Territory or of the Commonwealth;

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*Royal Commissions (Amendment) 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

- (c) the Commissioner of Police of New South Wales or the holder of a similar position in another State or Territory;
- (d) the Commissioner of Police in the Australian Federal Police;
- (e) the New South Wales Crime Commission;
- (f) the Independent Commission Against Corruption;
- (g) the National Crime Authority;
- (h) the Trade Practices Commission;
- (i) the Australian Securities Commission;
- (j) a task force set up to investigate any matters relating to breaches of law and arising out of the inquiry conducted by the commission.

(4) The reference in this section to a task force is limited to a State task force or a joint task force. A State task force is one set up by the State or an authority of the State. A joint task force is one set up jointly by the State or an authority of the State and by one or more other Australian jurisdictions or their authorities. An Australian jurisdiction is a State or Territory or the Commonwealth. Subject to the above provisions of this subsection, the expression “task force” includes a body of persons that is similar to a task force, however it is described.

(5) Nothing in this section derogates from or affects any powers a commission has apart from this section, and it is not to be construed as limiting in any way any such power by implication or otherwise.

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*[Minister's second reading speech made in—  
Legislative Assembly on 14 November 1991  
Legislative Council on 4 December 1991]*