



New South Wales

Royal Commissions Amendment Act 2013 No 11

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Royal Commissions Act 1923 No 29	3
Schedule 2 Amendment of Special Commissions of Inquiry Act 1983 No 90	6



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Royal Commissions Amendment Act 2013 No 11

Act No 11, 2013

An Act to amend the *Royal Commissions Act 1923* with respect to Royal Commissions, and to amend the *Special Commissions of Inquiry Act 1983*. [Assented to 25 March 2013]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Royal Commissions Amendment Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Royal Commissions Act 1923 No 29

[1] Section 4 Definitions

Omit “and includes the members of the commission, or a quorum thereof, or the sole commissioner, sitting for the purposes of the inquiry” from the definitions of *Commission* and *Royal Commission*.

Insert instead “and includes a sole commissioner or a member or members of the commission sitting for the purposes of the inquiry”.

[2] Section 5 Commissioners

Omit section 5 (2). Insert instead:

- (2) In this Division *chairperson* means the chairperson of a commission, and includes (except in section 5A):
 - (a) a deputy chairperson of a commission appointed by the letters patent or chosen by the other commissioners in accordance with the letters patent to act in the absence of the chairperson, and
 - (b) a member of a commission acting in accordance with an authorisation under section 5A (3).

[3] Section 5A

Insert after section 5:

5A Commissioners authorised to sit for purposes of any part of inquiry

- (1) A commissioner may sit for the purposes of any part of an inquiry if:
 - (a) the commissioner is a sole commissioner, or
 - (b) all the members, or a quorum of the members, of the commission are sitting for the purposes of that part of the inquiry, or
 - (c) the commissioner is the chairperson of the commission, or
 - (d) the commissioner is a member of the commission authorised by the chairperson to sit for the purposes of that part of the inquiry.
- (2) More than one member may be authorised under subsection (1) (d) by the chairperson to sit for the purposes of a part of the inquiry, in which case the member designated by the chairperson is to preside.

- (3) A member authorised under subsection (1) (d) or, if there is more than one member so authorised, the designated presiding member is authorised to exercise the powers of the chairperson of the commission under the other sections of this Division (unless the authorisation under subsection (1) (d) provides otherwise).
- (4) If a member is authorised under subsection (1) (d), commissioners may sit concurrently for the purposes of an inquiry.

[4] Section 11 Answers and documents

Insert at the end of the section:

- (4) If a commission obtains for the purposes of the inquiry any document or other thing or any information that is provided voluntarily by a person, subsection (3) applies to the person as if the person were a witness appearing before the commission.

[5] Section 15

Omit the section. Insert instead:

15 Application of Division

- (1) The provisions of this Division have effect if the chairperson of a commission or the sole commissioner is a qualified person, namely:
 - (a) a Judge of the Supreme Court of the State or of any other State or Territory, a Judge of the Federal Court of Australia or a Justice of the High Court of Australia, or
 - (b) a former Judge or Justice of any such court, or
 - (c) a person qualified to be appointed as a Judge or Justice of any such court (but only if in the letters patent by which the commission is issued, or in other letters patent under the Public Seal, the Governor declares that this Division has effect in relation to the commission).
- (2) In this Division, *commissioner* means a chairperson or sole commissioner who is such a qualified person, and also includes a member of a commission who is such a qualified person and who has been authorised by the chairperson to exercise powers under this Division (but only if the chairperson is also such a qualified person).

[6] **Schedule 1**

Insert at the end of the Act:

Schedule 1 Savings and transitional provisions

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the *Royal Commissions Amendment Act 2013* or any other Act that amends this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

2 Operation of amendments made by Royal Commissions Amendment Act 2013

- (1) In this clause:

Child Sexual Abuse Royal Commission means the Royal Commission into institutional responses to allegations and incidents of child sexual abuse and related matters, issued by the Governor by Letters Patent on 25 January 2013 (and including any later alterations and variations of those Letters Patent).

Child Sexual Abuse Special Commission of Inquiry means the Special Commission of Inquiry into the police investigation of certain matters concerning alleged child sexual abuse, issued by the Governor by Letters Patent on 21 November 2012 and altered and varied by the Governor by Letters Patent on 25 January 2013 (and including any later alterations and variations of those Letters Patent).
- (2) The amendments made by the *Royal Commissions Amendment Act 2013* to this Act and to the *Special Commissions of Inquiry Act 1983* extend to the Child Sexual Abuse Royal Commission and to the Child Sexual Abuse Special Commission of Inquiry.

Schedule 2 Amendment of Special Commissions of Inquiry Act 1983 No 90

Section 17 Answers and documents

Insert at the end of the section:

- (4) If a Commissioner obtains for the purposes of the Special Commission any document or other thing or any information that is provided voluntarily by a person, subsection (3) applies to the person as if the person were a witness appearing before the Special Commission.

[Second reading speech made in—
Legislative Assembly on 28 February 2013
Legislative Council on 20 March 2013]