

Act No. 151

## ROYAL COMMISSIONS (AMENDMENT) BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The object of this Bill is to amend the Royal Commissions Act 1923 to enable a Royal Commissioner who is a Judge of the High Court, the Supreme Court of a State or Territory or the Federal Court to exercise the powers conferred by Division 2 of Part II of that Act if the Governor, by letters patent, declares that the Division is to have effect.

At present those powers can only be exercised by a Royal Commissioner who is a Judge of the Supreme Court of New South Wales.

The powers concerned include—

- (a) the power to arrest recalcitrant witnesses;
- (b) the power to compel the production of documents;
- (c) the power to compel witnesses to answer questions; and
- (d) the powers of a Supreme Court Judge to compel the attendance of witnesses and production of evidence and to punish for contempt or disobedience.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on assent.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 is a transitional provision which provides that the amendments effected by the proposed Act apply to a Royal Commission even if it started before the commencement of the proposed Act.

Schedule 1 (1) and (7) repeal a formal provision which provided for the arrangement of the Principal Act and repeal obsolete provisions concerned with repeals and savings.

Schedule 1 (2) and (3) replace out-of-date references to the Great Seal with references to the Public Seal.

Schedule 1 (4) is a consequential amendment to a heading.

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Schedule 1 (5) amends section 15 of the Principal Act to achieve the object set out above.

Schedule 1 (6) (a) amends section 17 of the Principal Act to enable a declaration conferring certain extra powers on a Royal Commission to be made not only in letters patent constituting the Commission (as at present) but also in other letters patent. The extra powers relate to the right of a witness to be excused from answering a question or from producing a document.

Schedule 1 (6) (b) amends section 17 of the Principal Act so that a general declaration applying Supreme Court powers to a Judge of another jurisdiction (when acting as a Royal Commissioner) is not sufficient to apply the extra powers mentioned in Schedule 1 (6) (a) above unless the declaration specifically mentions those powers.

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