

Queensland



ANNO TRICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE

No. 30 of 1988

An Act to amend the Commissions of Inquiry Act 1950-1987 in certain particulars and for related purposes

[ASSENTED TO 15TH APRIL, 1988]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Commissions of Inquiry Act Amendment Act 1988*.

2. Citation. (1) In this Act the *Commissions of Inquiry Act 1950-1987* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Commissions of Inquiry Act 1950-1988*.

3. Application of Principal Act as amended to existing Commissions.

(1) The provisions of the *Commissions of Inquiry Act 1950-1988* apply to and with respect to—

- (a) every Commission of Inquiry appointed after the commencement of this Act;
- and
- (b) every Commission of Inquiry appointed before the commencement of this Act that has not completed its inquiry at the commencement of this Act:

Provided that an act done or omission made before the commencement of this Act shall not constitute an offence by reason only of an amendment of the Principal Act made by this Act.

(2) In subsection (1) the expression “Commission of Inquiry” has the meaning assigned to the term “Commission” by the Principal Act.

4. Amendment of s. 3. Meaning of terms. Section 3 of the Principal Act is amended by—

(a) inserting before the definition “Chairman” the following definition:—

““Authority of a deputy to the Commission” means the powers, authorities, duties and functions which a deputy to a Commission is authorized to exercise or perform in accordance with this Act;”;

(b) inserting after the definition “Commissioner” the following definition:—

““Deputy to a Commission” means a person who is appointed a deputy to a Commission;”.

5. Amendment of s. 20. Protection for participants in Commissions. Section 20 of the Principal Act is amended by—

(a) inserting in subsection (1) after the words “as commissioner” the words “and every deputy to a Commission shall, whilst exercising the authority of a deputy to the Commission”;

(b) in subsection (2)—

(i) inserting after the words “, a commissioner” the words “, deputy to a Commission”;

(ii) inserting in paragraph (c) after the word “by” the words “or to”.

6. New ss. 27 and 28. The Principal Act is amended by adding after section 26 the following sections:—

“27. Appointment of deputy to a Commission. (1) The Governor in Council may at any time approve that such number of persons as may be specified be each appointed as deputy to a Commission.

(2) Upon the approval of the Governor in Council as prescribed in subsection (1), a chairman, with the approval of the Attorney-General, may by writing under his hand appoint a person to be a deputy to a Commission upon such terms and conditions and for such period as the Attorney-General approves.

(3) A deputy to a Commission is not a commissioner or a member of a Commission.

28. Functions of deputy to a Commission. (1) A deputy to a Commission shall, according as he is authorized in writing under the hand of the chairman—

(a) sit with the Commission during any sittings approved by the chairman but without any power to decide or participate by voting in relation to any matter arising for decision at those sittings;

(b) conduct on behalf of the Commission, without the attendance of any member of the Commission, any sittings approved by the chairman and, where required, make a report or recommendation in relation thereto to the Commission;

(c) assist the Commission in such manner and to such extent as the chairman decides, including without limiting the generality of the foregoing by the exercise of any power which is exercisable by or which may be granted to the Commission or to a commissioner (other than such powers as are expressly reserved to the chairman) under this Act.

(2) A deputy to a Commission shall, in the exercise of the authority of a deputy to the Commission, at all times and in all respects be subject to the control and act in accordance with the directions of the chairman.

(3) A deputy to a Commission, in the conduct of a sittings on behalf of a Commission shall have power to decide all issues which arise: Provided Always that a deputy to a Commission may, and shall if directed by the chairman, refer an issue which arises (which may include the issue of whether the sittings should continue to be conducted by the deputy to a Commission) for

decision to the chairman for determination and may adjourn a sittings to enable the chairman to decide that issue.”.

7. **New ss. 29 and 30.** The Principal Act is amended by adding after section 28 the following sections:—

“29. Effect of exercise of authority of deputy to the Commission.

(1) Where a deputy to a Commission exercises the authority of a deputy to the Commission, all steps taken, documents issued and evidence taken or produced before him shall as directed by the chairman be deemed to be steps taken, documents issued and evidence taken or produced before that Commission.

(2) References in this Act (other than in sections 3, 4, 4A and 13 (1)) and in all documents issued under this Act to a Commission, a commissioner or a member of a Commission shall be construed as including references to a deputy to a Commission who acts within his authority of a deputy to the Commission.

(3) References in sections 7 and 14 (1A) to a chairman shall be construed as including references to a deputy to a Commission who acts within his authority of a deputy to the Commission.

30. Reference by Commission to evidence etc. before deputy to a Commission. (1) A Commission may take into account and to such extent as it thinks appropriate, rely upon any evidence or other material given or produced before a deputy to a Commission and upon any report and any recommendation of that deputy to the Commission.

(2) A Commission may in its discretion disclose—

- (a) whether or not a report or recommendation has been or will be made to it by a deputy to a Commission;
- (b) the terms of any such report or recommendation;
- (c) whether or not or to what extent, if any, that report or recommendation has been or will be taken into account or relied upon by the Commission.

(3) A person shall not, without the written permission of the chairman, make disclosure (otherwise than to the Commission) of any of the matters referred to in subsection (2).

Penalty: 200 penalty units or imprisonment for one year.

(4) Subsection (3) does not apply to a disclosure of a matter that had previously been disclosed by the Commission.”.

8. **New s. 31.** The Principal Act is amended by adding after section 30 the following section:—

“31. Commission may make separate reports, etc. A Commission may, at the discretion of the chairman, make any separate reports, whether interim or final, and any separate recommendations concerning any of the subject matters of its inquiry.”.