

# COMMISSION OF INQUIRY ACT AMENDMENT ACT

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Queensland



ANNO TRICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

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No. 2 of 1989

An Act to amend the Commissions of Inquiry Act 1950-  
1988 in certain particulars

[ASSENTED TO 21ST MARCH, 1989]

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 and citation.** (1) This Act may be cited as the *Commissions of Inquiry Act Amendment Act 1989*.

(2) In this Act the *Commissions of Inquiry Act 1950-1987* as amended by the *Commissions of Inquiry Act Amendment Act 1988*, by the *Commissions of Inquiry Act and Other Acts Amendment Act 1988* and by the *Corrective Services (Consequential Amendments) Act 1988* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Commissions of Inquiry Act 1950-1989*.

**2. Amendment of s. 14.** Section 14 of the Principal Act is amended in subsection (2) by designating the existing paragraph, other than the note thereto, as paragraph (a) and adding at the end thereof the following paragraph:—

“(b) A book, document, writing, record, property or any thing produced by a witness is not and it is declared never was a statement or disclosure to which paragraph (a) applies.”

**3. Repeal of and new s. 19.** The Principal Act is amended by repealing section 19 and substituting the following section:—

“**19. Powers of Commission as to inspection and copies of documents etc.** A Commission, or any Commissioner, or a person thereto authorised in writing by the chairman, as the case may be, may inspect any books, documents, writings, records, property or thing of whatever description produced before the Commission, and may retain them for such reasonable period as it or he thinks fit.

(2) A Commission, or any Commissioner or a person thereto authorized in writing by the chairman of the Commission, may enter upon and inspect any land, building, place, vehicle, aircraft or vessel, and inspect any books, documents, writing, records, property or thing of whatever description, the entry upon or the inspection of which appears to it or him to be requisite.

(3) The Commission or a person who inspects any books, documents, writings, records, property or thing of whatever description under subsections (1) and (2) may make or take a copy of all or part of any books, documents, writings, records, property or thing of whatever description, as may be relevant to the inquiry.

(4) In this section the term “a copy” includes —

- (a) a photograph;
- (b) a photocopy; and
- (c) a reproduction, duplication or facsimile however made.

(5) The occupier or owner of any land, building, place, vehicle, aircraft or vessel, entered upon or inspected or proposed to be entered upon or inspected under subsection (2) shall provide all reasonable facilities and assistance for the effective exercise of powers under this section.

Penalty: 200 penalty units or imprisonment for one year.”.

4. **New s. 30A.** The Principal Act is amended by inserting after section 30 the following section:—

“**30A. Delegation to deputy to a Commission.** Notwithstanding the provisions of section 28 (1), a chairman, with the approval of the Attorney-General, may by writing under his hand delegate either generally or specifically any or all of the powers, duties or functions conferred upon the chairman under this Act (except this power of delegation) or any other Act to a deputy to the Commission: Provided that those powers, duties and functions which by this Act may only be exercised or performed by a chairman who is a Judge of the Supreme Court may not be delegated except to a deputy to a Commission who is a Judge of the Supreme Court.

(2) A delegation under this section may be made subject to conditions and limitations as is set out in the instrument of delegation.

(3) Where more than one deputy to a Commission has been appointed, the chairman may make a delegation under this section to any or all of the deputies to the Commission and may make a delegation of the same power, duty or function concurrently to more than one deputy to the Commission.

(4) Where a deputy to a Commission exercises or performs any of the powers, duties or functions delegated to him under this section, the power, duty or function shall be deemed to have been exercised or performed by the chairman.

(5) A delegation made under this section is revocable at any time by writing under the hand of the chairman.

(6) A delegation made under this section does not derogate from the power of a chairman to act personally in relation to any matter.”.