



Parliamentary Commission of Inquiry (Repeal) Act 1986

No. 92, 1986

Compilation No. 2

Compilation date:	21 October 2016
Includes amendments up to:	Act No. 61, 2016
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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Parliamentary Commission of Inquiry (Repeal) Act 1986* that shows the text of the law as amended and in force on 21 October 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to repeal the *Parliamentary Commission of Inquiry Act 1986*, and for related purposes

1 Short title

This Act may be cited as the *Parliamentary Commission of Inquiry (Repeal) Act 1986*.

2 Commencement

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Repeal

The *Parliamentary Commission of Inquiry Act 1986* is repealed.

4 Interpretation

(1) In this Act:

commencement means the commencement of this Act.

Presiding Officers means the President of the Senate and the Speaker of the House of Representatives.

repealed Act means the *Parliamentary Commission of Inquiry Act 1986*.

(2) ***Commission*** has the same meaning in this Act as in the repealed Act.

4A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

5 Protection of persons

The protection given by section 21 of the repealed Act to any person in respect of anything done before the commencement continues after the commencement by force of this section.

6 Custody of documents

- (1) Subject to this section, at the commencement, the Presiding Officers jointly have the exclusive right to possession of any document that was in the possession of the Commission immediately before the commencement.
- (2) The Presiding Officers shall take such measures as they consider necessary to prevent persons from obtaining access to a document referred to in subsection (1), and may, for this purpose, commit such a document to the custody of a person designated by them.
- (3) Notwithstanding any other law, during the period of 30 years after the commencement:
 - (a) no person other than a Presiding Officer is entitled to access to a class A document;
 - (b) a Presiding Officer shall not be required to produce such a document to any person or to answer questions concerning such a document;
 - (c) a person having custody of such a document under subsection (2) shall not be required by any person other than a Presiding Officer to produce such a document to any person or to answer questions concerning such a document; and
 - (d) a person who was a member of the Commission or of the staff of the Commission or was counsel assisting the Commission shall not be required by any person to answer questions concerning such a document.
- (4) Notwithstanding any other law, a person is not entitled to have access to, or to make use of:
 - (a) a class A document after the end of the period of 30 years after the commencement; or

- (b) a class B document at any time;
except in accordance with the written authority of the Presiding Officers.
- (5) An agency within the meaning of the *Freedom of Information Act 1982* is exempt from the operation of that Act in relation to a document created for the purposes of the Commission.
- (6) In this section:
- class A document** means a document referred to in subsection (1) that contains material relating to the conduct of the Honourable Lionel Keith Murphy.
- class B document** means a document referred to in subsection (1) that contains material relating to:
- (a) the meaning of section 72 of the Constitution; or
 - (b) any other matter;
- but does not include a class A document.
- person** includes a court or tribunal, or an authority (including a House of the Parliament or a committee of either or both of the Houses of Parliament) having power to require the production of documents or the answering of questions.

7 Disclosure

- (1) A person who is, or has at any time been, a member of the Commission, a member of the staff of the Commission or counsel assisting the Commission shall not, directly or indirectly, disclose to any other person or make use of any document or information to which the first-mentioned person has had access by reason of being or having been such a member or counsel.
- Penalty: Imprisonment for 6 months or 50 penalty units, or both.
- (2) Subsection (1) does not apply in relation to:
- (a) the performance of any act otherwise authorised by this Act;
or

Section 8

- (b) anything done in accordance with an authority given under subsection 6(4).

8 Legal and financial assistance

The Commonwealth shall provide assistance in accordance with an authorisation made by the Attorney-General under section 22 of the repealed Act.

9 Act to bind Crown

This Act binds the Crown in right of the Commonwealth or of a State or Territory, but does not render the Crown liable to prosecution for an offence.

10 Appropriation

The remuneration and allowances of persons who were members of the Commission, and any other expenses occasioned by the operation of the repealed Act, shall be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Parliamentary Commission of Inquiry (Repeal) Act 1986	92, 1986	25 Sept 1986	25 Sept 1986	
Prime Minister and Cabinet Legislation Amendment (Application of Criminal Code) Act 2001	49, 2001	21 June 2001	19 July 2001	s. 4
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 1 (item 354): 21 Oct 2016 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s. 4A	ad. No. 49, 2001
s 7	am No 61, 2016