



Parliamentary Commission of Inquiry (Repeal) Act 1986

No. 92 of 1986

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

[Assented to 25 September 1986]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

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

Commencement

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

Repeal

3. The *Parliamentary Commission of Inquiry Act 1986*¹ is repealed.

Interpretation

4. (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“repealed Act” means the *Parliamentary Commission of Inquiry Act 1986*.

(2) "Commission" has the same meaning in this Act as in the repealed Act.

Protection of persons

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 The protection given by section 21 of the repealed Act to any person in respect of anything done before the commencement continues after the commencement by force of this section.

Custody of documents

6. (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 sub-section (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 sub-section (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 sub-section (1) that contains material relating to the conduct of the Honourable Lionel Keith Murphy;

“class B document” means a document referred to in sub-section (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.

Disclosure

7. (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: \$5,000 or imprisonment for 6 months, or both.

(2) Sub-section (1) does not apply in relation to—

- (a) the performance of any act otherwise authorised by this Act; or
- (b) anything done in accordance with an authority given under sub-section 6 (4).

Legal and financial assistance

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shall provide assistance in accordance with an authorisation made by the Attorney-General under section 22 of the repealed Act.

Act to bind Crown

9. 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.

Appropriation

10. 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.

NOTE

1. No. 9, 1986.

[*Minister's second reading speech made in—
House of Representatives on 20 August 1986
Senate on 20 August 1986*]