



# **Royal Commissions Amendment (Private Sessions) Act 2023**

**No. 83, 2023**

**An Act to amend the *Royal Commissions Act 1902*,  
and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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# Royal Commissions Amendment (Private Sessions) Act 2023

No. 83, 2023

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## An Act to amend the *Royal Commissions Act 1902*, and for related purposes

[Assented to 28 September 2023]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *Royal Commissions Amendment (Private Sessions) Act 2023*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	29 September 2023

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Royal Commissions Act 1902*

#### **1 Subsection 6OA(1)**

Insert:

*Assistant Commissioner*, for a Royal Commission, means a person authorised under subsection 6OB(2A) to be an Assistant Commissioner for the sole purpose of holding private sessions for the Commission.

#### **2 Subsection 6OB(1)**

Omit “following members”, substitute “following persons”.

#### **3 At the end of subsection 6OB(1)**

Add:

; (c) an Assistant Commissioner for the Commission.

#### **4 Subsection 6OB(2)**

Repeal the subsection, substitute:

- (2) If a Royal Commission is constituted by a sole Commissioner, the following persons may hold a private session for the Commission to obtain information in relation to matters into which the Commission is inquiring:
- (a) the sole Commissioner;
  - (b) an Assistant Commissioner for the Commission.

#### *Assistant Commissioners*

- (2A) The Chair of a Royal Commission or the sole Commissioner (as the case may be) may, in writing, authorise a person to be an Assistant Commissioner for the sole purpose of holding private sessions for the Commission if:
- (a) the person is a member of the staff of the Commission; and
  - (b) the Chair of the Commission or the sole Commissioner (as the case may be) considers that:

- (i) the person has suitable qualifications and experience, and an appropriate level of seniority, to hold private sessions for the Commission; and
- (ii) circumstances exist that justify the person holding private sessions for the Commission.

**5 Subsection 6OB(3) (heading)**

Omit “*members*”, substitute “*persons*”.

**6 Subsection 6OB(3)**

After “subsection (1)”, insert “or (2)”.

**7 Subsection 6OB(3)**

Omit “members”, substitute “persons”.

**8 Subsection 6OB(4)**

After “any member of the Commission”, insert “or Assistant Commissioner”.

**9 Subsection 6OB(5)**

Repeal the subsection, substitute:

- (5) If a private session is held for a Royal Commission under subsection (2):
  - (a) in the case of the holding of the private session by the sole Commissioner—the sole Commissioner may (subject to the Letters Patent establishing the Commission and Division 3) determine any matters relating to the conduct of the private session; or
  - (b) in the case of the holding of the private session by an Assistant Commissioner—the Assistant Commissioner may (subject to the Letters Patent establishing the Commission and Division 3) determine any matters relating to the conduct of the private session, having regard to any directions given by the sole Commissioner.

**10 Paragraphs 6OC(3)(a) and (4)(a)**

After “by a member”, insert “or Assistant Commissioner”.

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**11 Paragraph 6OC(6)(a)**

Omit “member or members”, substitute “person or persons”.

**12 At the end of subsection 6OC(6)**

Add:

Note: Members or Assistant Commissioners can hold private sessions: see subsections 6OB(1) and (2).

**13 After section 6OE**

Insert:

**6OEA Protection of Assistant Commissioners**

An Assistant Commissioner for a Royal Commission who holds a private session for the Commission has the same protection and immunity as a Justice of the High Court.

**14 Section 6OG**

After “by a member”, insert “or Assistant Commissioner”.

**15 Application provision**

The amendments made by this Schedule apply in relation to a Royal Commission established before or after the commencement of this item.

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*[Minister’s second reading speech made in—  
House of Representatives on 7 September 2023  
Senate on 14 September 2023]*

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(106/23)