

EXPLANATORY STATEMENT

Select Legislative Instrument 2013 No. 54

Royal Commissions Act 1902

Issued by the authority of the Parliamentary Secretary to the Prime Minister

Royal Commissions Amendment Regulation 2013 (No.1)

The *Royal Commissions Act 1902* contains two relevant sections in relation to the payment of expenses and allowances for witnesses.

Section 6G of the Act provides that any witness appearing before a Royal Commission shall be paid a reasonable sum for the expenses of his or her attendance in accordance with the prescribed scale.

Section 17 of the Act provides that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Regulation 7 of the *Royal Commissions Regulation 2001* provides that a Commission may direct that a witness is paid expenses in accordance with the High Court Scale.

Previously, witnesses providing evidence to a Royal Commission could seek payment of certain of their expenses from the Royal Commission, and financial assistance from the Attorney-General's Department for certain legal expenses related to appearing as a witness.

The amendments repeal Regulation 7 and substitute a new Regulation 7 that makes the Attorney-General's Department responsible for handling applications for payment of expenses and allowances for all witnesses appearing before Royal Commissions in future. The amendments contain a table of expenses that are consistent with the current High Court Scale.

The amendments allow witnesses to apply to one authority rather than two for payment of their expenses and allowances. The amendments reduce the administrative burden on the Royal Commission. The amendments also reduce the cost to the Commonwealth of administering the assistance.

Details of the regulation are set out in the Attachment.

The Act specifies no conditions that need to be satisfied before the power to make the proposed Regulation may be exercised. The proposed Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

As the Legislative Instrument is of a machinery nature and does not substantially alter existing arrangements consultation was not required.

The Regulation commenced on the day after it was registered.

Authority: Section 17 of the *Royal Commissions Act 1902*

ATTACHMENT

Details of the *Royal Commissions Amendment Regulation 2013 (No. 1)***Section 1 – Name of regulation**

This section provides for the regulation to be referred to as the *Royal Commissions Amendment Regulation 2013 (No. 1)*.

Section 2 – Commencement

This section provides for the regulation to commence on the day after it is registered.

Section 3 – Authority

This regulation is made under the *Royal Commissions Act 1902*.

Section 4 — Schedule(s)

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

Schedule 1 – Amendments**Item [1] – Regulation 7**

This item repeals Regulation 7 and substitutes a new Regulation 7 that makes the Attorney-General's Department responsible for handling applications for payment of expenses and allowances for all witnesses appearing before Royal Commissions in future. The amendments contain a table of expenses that are consistent with the High Court Scale.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Royal Commissions Amendment Regulation 2013 (No.1)

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of the Legislative Instrument is to make the Attorney-General's Department responsible for handling applications for payment of expenses and allowances for all witnesses appearing before Royal Commissions in future and make the process much easier for witnesses. The amendments contain a table of expenses that are consistent with the High Court Scale.

Human Rights Implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.