

Royal Commissions Regulations 2001 2001 No. 315

EXPLANATORY STATEMENT

Statutory Rules 2001 No. 315

Issued by the authority of the Prime Minister

Royal Commissions Act 1902

Royal Commissions Regulations 2001

The *Royal Commissions Act 1902* (the Act) provides for the establishment and operation of Royal Commissions. The Act also confers certain powers on Royal Commissions to obtain information.

Section 17 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters that the Act requires or permits to be prescribed, or necessary or convenient for carrying out or giving effect to the Act.

Section 8 of the Act also provides that the Governor-General may make regulations prescribing a scale of allowances to be paid to any witness summoned under the Act for travelling expenses and maintenance while the witness is absent from his or her usual place of abode.

The purpose of the Regulations is to:

- consolidate the former Regulations made under the Act;
- to prescribe a form of summons and manner of serving documents which reflect recent amendments to the Act; and
- to clarify the process for approving payment of witnesses' expenses.

There were previously two sets of Regulations under the Act. The Royal Commissions Regulations No.75 of 1927 dealt with witnesses' expenses. The Royal Commissions Regulations No. 6 of 1983 prescribed a form of summons and the manner of serving a summons. The new Regulations overcome confusion that had arisen as a result of the fact that these former Regulations shared the same name, but dealt with different issues, by consolidating them.

The *Royal Commissions and Other Legislation Amendment Act 2001*, which commenced on 1 October 2001, has amended the section in the Act which dealt with summonses. Subsection 2(1) of the Act now provides that a Royal Commission may summon a person to give evidence, or produce documents or things or both. Subsection 2(3A) of the Act now provides that a Royal Commission may serve, as prescribed, a notice on a person to produce documents or things, instead of a summons. The Regulations prescribe a new form of summons and the manner of serving a notice, to reflect these amendments to the Act.

Finally, the former Regulations which dealt with witnesses' expenses conferred certain powers on the 'Chairman' of a Royal Commission. Royal Commissions do not have a Chairman as a matter of practice. The new Regulations confer these powers on either the sole Commissioner or, in the case of a multi-member Commission, a Commissioner authorised in writing by the Commission instead.

The Regulations commenced on gazettal.