



Royal Commissions Amendment Regulation 2016 (No. 1)

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 11 February 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Dr Peter Hendy
Assistant Minister for Productivity

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1 Name

This is the *Royal Commissions Amendment Regulation 2016 (No. 1)*.

2 Commencement

- (1) Each provision of this instrument 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 instrument	The day after this instrument is registered.	17 February 2016

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Royal Commissions Regulations 2001

1 Regulation 4

Insert:

Royal Commission into Trade Union Governance and Corruption means the Royal Commission into matters relating to the affairs of various entities, mainly employee organisations, that was established by Letters Patent dated 13 March 2014 (as amended by Letters Patent dated 30 October 2014).

2 Regulation 8 (heading)

Repeal the heading, substitute:

8 Custody and use of records—Oil-for-Food Inquiry

3 After regulation 8

Insert:

9 Custody and use of records—Royal Commission into Trade Union Governance and Corruption

Application

- (1) For subsection 9(2) of the Act, this regulation applies in relation to Royal Commission records of the Royal Commission into Trade Union Governance and Corruption (the *Trade Union Royal Commission*), other than the following Royal Commission records:
- (a) Royal Commission records relating to the administration of the Trade Union Royal Commission;
 - (b) Royal Commission records relating to the financial management of the Trade Union Royal Commission;
 - (c) Royal Commission records that were in the public domain on 30 December 2015;
 - (d) the volumes of the Interim Report of the Trade Union Royal Commission that are publicly available;
 - (e) the volumes of the Final Report of the Trade Union Royal Commission that are publicly available.

Note 1: The Final Report of the Royal Commission into Trade Union Governance and Corruption was presented to the Governor-General on 28 December 2015 and tabled in the Parliament on 30 December 2015.

Note 2: *Royal Commission records* are explained in subsection 9(1) of the Act.

Custody of records

- (2) For paragraph 9(2)(a) of the Act, the Royal Commission records are to be kept in the custody of the Secretary of the Department of the Prime Minister and Cabinet.

Giving certified copies of records

- (3) For paragraph 9(2)(c) of the Act, the circumstances in which the custodian of the Royal Commission records must, as soon as practicable, give a copy of a record that the custodian certifies to be a true copy of the record (*certified copy*) to a person or body are that:
- (a) the person or body is the owner of the record; and
 - (b) the record has not been returned to the person or body; and
 - (c) the person or body has requested a certified copy of the record.
- (4) For subregulation (3), until a certified copy is given, the custodian of the Royal Commission records must provide the person or body, or a person authorised by the person or body, reasonable access to the record for the purposes of inspecting and making copies of, or taking extracts from, the record.

Giving records for purposes of law enforcement etc.

- (5) For paragraph 9(2)(c) of the Act, the circumstances in which the custodian of the Royal Commission records may give some or all of those records to a person or body are that the person or body:
- (a) performs a function relating to law enforcement purposes within the meaning of section 9 of the Act; or
 - (b) is responsible for advising a Minister of the Commonwealth, of a State or of a Territory about the administration of a law of the Commonwealth, of that State or of that Territory.

Allowing access to records

- (6) For paragraph 9(2)(d) of the Act, the circumstances in which the custodian of the Royal Commission records may allow access to some or all of those records to a person or body are that the person or body:
- (a) performs a function relating to law enforcement purposes within the meaning of section 9 of the Act; or
 - (b) is responsible for advising a Minister of the Commonwealth, of a State or of a Territory about the administration of a law of the Commonwealth, of that State or of that Territory.

Circumstances in which records may be given or access allowed not limited

- (7) Subregulations (3), (4), (5) and (6) do not limit the circumstances in which the custodian of the Royal Commission records may:
- (a) give a Royal Commission record to a person or body; or
 - (b) allow access to a Royal Commission record to a person or body.

Provisions of the Act not limited

- (8) Subregulations (3), (4), (5) and (6) do not limit the operation of subsections 9(6) and (7) of the Act.