

ROYAL COMMISSIONS AMENDMENT (DEFINITIONS) REGULATIONS 2023

EXPLANATORY STATEMENT

Issued by authority of the Attorney-General

in compliance with section 15J of the *Legislation Act 2003*

PURPOSE AND OPERATION OF THE INSTRUMENT

The *Royal Commissions Act 1902* (the Act) provides for the establishment, powers and operation of royal commissions and for the management of royal commission records. Section 17 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing 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. The *Royal Commissions Regulations 2019* (the Regulations) outline procedures for the service of documents and witnesses' expenses and allowances, private sessions and the custody and use of records for royal commissions.

The purpose of the instrument is to amend the Regulations to update various definitions of previous and ongoing royal commissions.

Section 4 of the Regulations outlines several definitions of royal commissions which are referred to in the Regulations and to which the Regulations apply. The definitions of several royal commissions (both previous and ongoing royal commissions) listed under the Regulations are incomplete or inconsistent with the Act.

The instrument makes amendments to ensure accuracy and consistency by updating various definitions of previous and ongoing royal commissions.

CONSULTATION

Consultation was not undertaken as the amendments are purely machinery in nature.

POLICY IMPACT ANALYSIS

The Office of Impact Analysis (OIA) was consulted and advised that no Impact Analysis is required. This is because the proposed legislative changes are technical amendments to definitions only. The OIA consultation reference number is OIA24-06562.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

A Statement of Compatibility with Human Rights has been prepared in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*, and is at Attachment A.

NOTES ON SECTIONS

Section 1 - Name of Regulations

This section provides that the title of the Regulations is the Royal Commissions Amendment (Definitions) Regulations 2023 (the Regulations).

Section 2 – Commencement

This section provides for the whole of the Regulations to commence on the day after the instrument is registered.

Section 3 – Authority

This section provides that the Regulations are made under the *Royal Commissions Act 1902* (Cth) (the Act).

Section 4 - Schedule

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] – Section 4

This item omits “(as amended by Letters Patent dated 13 September 2019)” and substitutes “(as amended by any later variations of those Letters Patent).” This is a technical amendment required to include any later variations of the Letters Patent, without dating each variation.

Item [2] – Section 4

This item repeals the definition, and substitutes, “***Disability Royal Commission*** has the same meaning as in Part 4 of the Act.” This is a technical amendment required to ensure consistency between the definition of the ‘Disability Royal Commission,’ listed in the Regulations and the Act.

Item [3] – Section 4

This item provides after “12 December 2013,” insert “(as amended by any later variations of those Letters Patent).” This is a technical amendment required to include any later variations of the Letters Patent, without dating each variation.

Item [4] – Section 4

This item provides after “20 February 2020,” insert “(as amended by any later variations of those Letters Patent).” This is a technical amendment required to include any later variations of the Letters Patent, without dating each variation.

Item [5] – Section 4

This item omits “(as amended by Letters Patent dated 9 February 2017, 27 June 2017 and 7 September 2017),” and substitutes “(as amended by any later variations of those Letters Patent).” This is a technical amendment required to include any later variations of the Letters Patent, without dating each variation.

Item [6] – Section 4

This item omits “(as amended by Letters Patent dated 6 February 2006, 10 March 2006, 17 March 2006, 22 June 2006 and 21 September 2006),” and substitutes “(as amended by any later variations of those Letters Patent).” This is a technical amendment required to include any later variations of the Letters Patent, without dating each variation.

Item [7] – Section 4

This item omits “(as amended by Letters Patent dated 30 October 2014),” and substitutes “(as amended by any later variations of those Letters Patent).” This is a technical amendment required to include any later variations of the Letters Patent, without dating each variation.

STATEMENT OF COMPATABILITY WITH HUMAN RIGHTS

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

Royal Commissions Amendment (Definitions) Regulations 2023

This 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

The purpose of the instrument is to amend the *Royal Commissions Regulations 2019* (the Regulations) to update various definitions of previous and ongoing royal commissions.

Section 4 of the instrument outlines several definitions of royal commissions which are referred to in the Regulations and to which the Regulations apply. The definitions of several royal commissions (both completed and current royal commissions) listed under the Regulations are inconsistent.

The instrument ensures consistency by updating various definitions of previous and ongoing royal commissions.

Human rights implications

The instrument is purely machinery in nature as it amends various definitions of previous and ongoing royal commissions. As such, these amendments do not engage any applicable rights or freedoms.

Conclusion

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