



Royal Commissions Amendment (Enhancing Engagement) Act 2023

No. 13, 2023

**An Act to amend the *Royal Commissions Act 1902*,
and for other 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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No. 13, 2023

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

[Assented to 11 April 2023]

The Parliament of Australia enacts:

1 Short title

This Act is the *Royal Commissions Amendment (Enhancing Engagement) Act 2023*.

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.	12 April 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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Main amendments

Royal Commissions Act 1902

1 Section 60A

Before “In”, insert “(1)”.

2 Section 60A

Insert:

Defence and Veteran Suicide Royal Commission means the Royal Commission into Defence and Veteran Suicide, issued by the Governor-General by Letters Patent on 8 July 2021 (and including any later variations of those Letters Patent).

defence member means a member of the Defence Force.

veteran means a person who has served, or is serving, as a member of the Permanent Forces or as a member of the Reserves.

3 At the end of section 60A

Add:

- (2) In subsection (1), the following terms have the same meaning as in the *Defence Act 1903*:
- (a) Defence Force;
 - (b) Permanent Forces;
 - (c) Reserves.

4 At the end of Division 3 of Part 4

Add:

60Q Protection of certain information given to the Defence and Veteran Suicide Royal Commission

- (1) This section applies to information if:

- (a) the information was given by, or on behalf of, a natural person to the Defence and Veteran Suicide Royal Commission other than for the purposes of a private session; and
 - (b) the information contains any of the following:
 - (i) an account of a person's experiences of suicide, suicidality or poor mental health as a defence member or veteran;
 - (ii) an account of a person's experiences of systemic issues as a defence member or veteran; and
 - (c) the information directly or indirectly identifies the natural person who gave the information, or on whose behalf the information was given; and
 - (d) the information was treated as confidential by the Commission at all times after being given to the Commission.
- (2) Section 6OE applies:
- (a) in all cases—in relation to the natural person who gave the information to the Commission, as if the information were a statement or disclosure made by that person at a private session for the Commission; and
 - (b) if the information was given to the Commission on behalf of another natural person—in relation to the other natural person as if the information were a statement or disclosure made on behalf of that other person at a private session for the Commission.
- (3) Sections 6OH, 6OK and 6OL apply in relation to the information as if it were information given by the natural person at a private session for the Commission.
- (4) Section 6OJ applies in relation to the information as if it were information obtained at a private session for the Commission.
- (5) Section 6OM applies in relation to the information as if it were a record that contains information obtained at a private session for the Commission.
- (6) A reference in subparagraph (1)(b)(ii) to experiences of systemic issues is a reference to experiences, or an awareness, of a policy,

procedure, practice, act or omission that contributed, or may have contributed, to a person's suicide, suicidality or poor mental health.

5 Application provision

Section 6OQ of the *Royal Commissions Act 1902*, as added by this Schedule, applies in relation to information given before, on or after the commencement of this item.

Part 2—Other amendments

Freedom of Information Act 1982

6 At the end of paragraph 7(2E)(a)

Add:

- or (vi) that contains information to which section 60Q of that Act (which deals with certain information given to the Defence and Veteran Suicide Royal Commission) applies;

7 Application provision

The amendment of section 7 of the *Freedom of Information Act 1982* made by this Schedule applies in relation to the following:

- (a) a request for access, made under section 15 of that Act, that is received on or after the day the final report of the Defence and Veteran Suicide Royal Commission is submitted to the Governor-General;
- (b) an application, made under section 48 of that Act, that is received on or after the day the final report of the Defence and Veteran Suicide Royal Commission is submitted to the Governor-General.

[Minister's second reading speech made in—
House of Representatives on 15 February 2023
Senate on 9 March 2023]

(7/23)
