

EXPLANATORY STATEMENT

Issued by the Authority of the Assistant Minister to the Prime Minister and Cabinet

Royal Commissions Act 1902

Royal Commissions (Consequential Amendments) Regulations 2019

Outline

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 all matters that the Act requires or permits to be prescribed, or necessary or convenient for carrying out or giving effect to the Act.

In accordance with section 50 of the *Legislation Act 2003*, the *Royal Commissions Regulations 2001* (the former Regulations) were due to sunset on 1 October 2019. The *Royal Commissions Regulations 2019* remake the former Regulations.

The *Royal Commissions (Consequential Amendments) Regulations 2019* (the consequential amendments Regulations) repeal the former Regulations and make minor consequential amendments to other regulations.

Consultation was undertaken with relevant Commonwealth agencies.

Details of the consequential amendments Regulations are set out in the Attachment.

The Act specifies no conditions that need to be satisfied before the power to make the consequential amendments Regulations may be exercised.

The consequential amendments Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The consequential amendments Regulations commence the day after registration.

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

Statement of Compatibility with Human Rights

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

Royal Commissions (Consequential Amendments) Regulations 2019

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

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 all matters that the Act requires or permits to be prescribed, or necessary or convenient for carrying out or giving effect to the Act.

In particular, the Act provides that the following matters may be prescribed by regulation:

- methods in which a Royal Commission may serve a process on a named person (ss 2(3A), 2(3C), 3(1), 6AA(3));
- expenses to be paid to witnesses appearing before a Royal Commission (s 6G); and
- allowances to be paid to witnesses summoned by a Royal Commission for their travelling expenses and maintenance (s 8).

In accordance with section 50 of the *Legislation Act 2003*, the *Royal Commissions Regulations 2001* (the former Regulations) were due to sunset on 1 October 2019.

The *Royal Commissions Regulations 2019* remake the former Regulations. The *Royal Commissions (Consequential Amendments) Regulations 2019* repeal the former Regulations and make consequential amendments to other regulations.

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 because it does not engage any of the applicable rights or freedoms.

Detail of the *Royal Commissions (Consequential Amendments) Regulations 2019*

Section 1 – Name

This section provides that the title of the Regulations is the *Royal Commissions Regulations (Consequential Amendments) 2019*.

Section 2 – Commencement

This section provides that the consequential amendments Regulations commence the day after they are registered.

Section 3 – Authority

This section provides that the consequential amendments Regulations are made under the *Australian Crime Commission Act 2002* and the *Royal Commissions Act 1902*.

Section 4 – Schedules

This section provides that each instrument specified in a Schedule to the consequential amendments Regulations is amended or repealed as set out in the Schedule. This allows for repeal of the former Regulations and the making of minor amendments to the *Australian Crime Commission Regulations 2018*.

Schedule 1 – Amendments and repeals

Sections 1-2 – Australian Crime Commission Regulations 2018.

These sections replace references in the *Australian Crime Commission Regulations 2018* to the former Regulations with references to the equivalent provisions in the Regulations.

Section 3 – Repeals

This section repeals the former Regulations.