



Royal Commissions Act 1902

No. 12, 1902

Compilation No. 18

Compilation date:	14 September 2019
Includes amendments up to:	Act No. 64, 2019
Registered:	27 September 2019

Prepared by the Office of Parliamentary Counsel, Canberra

An Act relating to Royal Commissions

Part 1—Preliminary

1 Short title

This Act may be cited as the *Royal Commissions Act 1902*.

1A Power to issue Royal Commission

Without in any way prejudicing, limiting, or derogating from the power of the King, or of the Governor-General, to make or authorise any inquiry, or to issue any commission to make any inquiry, it is hereby enacted and declared that the Governor-General may, by Letters Patent in the name of the King, issue such commissions, directed to such person or persons, as he or she thinks fit, requiring or authorising him or her or them or any of them to make inquiry into and report upon any matter specified in the Letters Patent, and which relates to or is connected with the peace, order, and good government of the Commonwealth, or any public purpose or any power of the Commonwealth.

1B Definitions

- (1) In this Act, unless the contrary intention appears:

authorised member hearing means a hearing of a Commission that is held as referred to in subsection 2(1A).

Commission and ***Royal Commission*** means any Commission of inquiry issued by the Governor-General by Letters Patent under this Act or any other power, and includes the following persons sitting for the purposes of the inquiry:

- (a) in relation to an authorised member hearing—the member or members of the Commission holding the hearing;

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- (b) in relation to a Commission that is constituted by 2 or more members (except if paragraph (a) applies)—the members of the Commission, or a quorum of those members;
- (c) in relation to a sole Commissioner—the Commissioner.

document includes any book, register or other record of information, however compiled, recorded or stored.

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

Foreign Affairs Minister means the Minister administering the *Diplomatic Privileges and Immunities Act 1967*.

legal practitioner means a barrister, a solicitor, a barrister and solicitor, or a legal practitioner, of the High Court or of the Supreme Court of a State or Territory.

member, in relation to a Commission, means:

- (a) in the case of a Commission constituted by one person—that person; or
- (b) in the case of a Commission constituted by 2 or more persons—each of those persons.

member of the staff, of a Royal Commission, means any of the following:

- (a) an APS employee who performs functions or duties relating to, or for the purposes of, the Commission;
- (b) a person engaged by, or on behalf of, the Commonwealth as a contractor to perform functions or duties relating to, or for the purposes of, the Commission;
- (c) a person who:
 - (i) is engaged, or employed, by a person to whom paragraph (b) or this paragraph applies; and
 - (ii) performs functions or duties for the Commission in connection with that engagement or employment;
- (d) a person who:

- (i) is a legal practitioner appointed by the Attorney-General to assist the Commission; or
- (ii) is appointed or otherwise engaged by, or on behalf of, the Commonwealth to assist the Commission as counsel.

reasonable excuse means:

- (a) in relation to any act or omission by a witness before a Commission—an excuse which would excuse an act or omission of a similar nature by a witness before a court of law; or
- (b) in relation to any act or omission by a person summoned as a witness before a Commission—an excuse which would excuse an act or omission of a similar nature by a person summoned as a witness before a court of law; or
- (c) in relation to any act or omission by a person served with a notice under subsection 2(3A) or (3C) or 6AA(3)—an excuse which would excuse an act or omission of a similar nature by a person served with a subpoena in connection with a proceeding before a court of law.

relevant Commission means a Commission established by Letters Patent that declare that the Commission is a relevant Commission for the purposes of the provision in which the expression appears.

- (2) In this Act, unless the contrary intention appears:
 - (a) a reference to a requirement to produce a document includes a reference to a requirement to produce a part of the document; and
 - (b) a reference to refusal or failure to produce a document includes:
 - (i) if production of the whole of the document is required—a reference to refusal or failure to produce a part of the document; and
 - (ii) if production of a part of the document is required—a reference to refusal or failure to produce a part of that part of the document.

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- (3) A reference in any other Act to a Royal Commission (being a Royal Commission established by the Governor-General by Letters Patent under this Act or any other power) includes a reference to one or more members of a Commission holding an authorised member hearing.

1C Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.