

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 20 August 1986

(Attorney-General)

A BILL

FOR

An Act to repeal the *Parliamentary Commission of Inquiry Act 1986*, and for related purposes

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

5 1. This Act may be cited as the *Parliamentary Commission of Inquiry (Repeal) Act 1986*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Repeal

10 3. The *Parliamentary Commission of Inquiry Act 1986*¹ is repealed.

Interpretation

15 4. (1) In this Act—
“commencement” means the commencement of this Act;
“Presiding Officers” means the President of the Senate and the Speaker of the House of Representatives;
“repealed Act” means the *Parliamentary Commission of Inquiry Act 1986*.

(2) "Commission" has the same meaning in this Act as in the repealed Act.

Statement made by witness not admissible in evidence

5. (1) A statement or disclosure made, or a document produced, by a witness in the course of giving evidence before the Commission, or any information or document obtained as a direct or indirect consequence of the statement or disclosure or the production of the first-mentioned document, is not admissible in evidence in any civil or criminal proceedings in any court of the Commonwealth or of a State or Territory. 5

(2) In sub-section (1), "document" means a document created for the purposes of the Commission. 10

Protection of persons

6. The protection given by section 21 of the repealed Act to any person in respect of anything done before the commencement continues after the commencement by force of this section. 15

Custody of documents

7. (1) Subject to this section, at the commencement, the Presiding Officers jointly have the exclusive right to possession of any document that was in the possession of the Commission immediately before the commencement. 20

(2) The Presiding Officers shall take such measures as they consider necessary to prevent persons from obtaining access to a document referred to in sub-section (1), and may, for this purpose, commit such a document to the custody of a person designated by them.

(3) Notwithstanding any other law— 25

(a) no person other than a Presiding Officer is entitled to access to a class A document;

(b) a Presiding Officer shall not be required to produce such a document to any person or to answer questions concerning such a document;

(c) a person having custody of such a document under sub-section (2) shall not be required by any person other than a Presiding Officer to produce such a document to any person or to answer questions concerning such a document; and 30

(d) a person who was a member of the Commission or of the staff of the Commission or was counsel assisting the Commission shall not be required by any person to answer questions concerning such a document. 35

(4) Notwithstanding any other law, a person is not entitled to have access to, or to make use of, a class B document except in accordance with the written authority of the Presiding Officers. 40

(5) An agency within the meaning of the *Freedom of Information Act 1982* is exempt from the operation of that Act in relation to a document created for the purposes of the Commission.

(6) In this section—

“class A document” means a document referred to in sub-section (1) that contains material relating to the conduct of the Honourable Lionel Keith Murphy;

5 “class B document” means a document referred to in sub-section (1) that contains material relating to—

(a) the meaning of section 72 of the Constitution; or

(b) any other matter,

but does not include a class A document;

10 “person” includes a court or tribunal, or an authority (including a House of the Parliament or a committee of either or both of the Houses of Parliament) having power to require the production of documents or the answering of questions.

Disclosure

15 8. A person shall not disclose—

(a) any allegation relating to the conduct of the Honourable Lionel Keith Murphy derived from a document received, obtained or prepared, or information received or obtained, by the Commission, the staff of the Commission or counsel assisting the Commission; or

20 (b) any information or statement disclosing any consideration by the Commission, the staff of the Commission or counsel assisting the Commission of, or in relation to, any particular allegation relating to the conduct of the Honourable Lionel Keith Murphy.

Penalty:

25 (a) where the defendant is a natural person—\$5,000 or imprisonment for 6 months, or both; or

(b) where the defendant is a corporation—\$100,000.

Legal and financial assistance

30 9. The Commonwealth shall provide assistance in accordance with an authorisation made by the Attorney-General under section 22 of the repealed Act.

Act to bind Crown

35 10. This Act binds the Crown in right of the Commonwealth or of a State or Territory, but does not render the Crown liable to prosecution for an offence.

Appropriation

40 11. The remuneration and allowances of persons who were members of the Commission, and any other expenses occasioned by the operation of the repealed Act, shall be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

NOTE

1. No. 9, 1986.

