

Appendix 6. Table of Consequential Amendments

Name of Commonwealth Act	Section	Name of provision	Amendment
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	5	Definitions (definition of ‘Commonwealth Royal Commission’)	Consequential amendment may be required Definition also could include Official Inquiries.
	22(1)(h)	Officials of designated agencies etc (include legal practitioners appointed to assist a Royal Commission, or otherwise appointed by members of a Royal Commission)	Consequential amendment may be required Provision also could apply to legal practitioners appointed to assist Official Inquiries.
<i>Archives Act 1983</i>	22	Records of Royal Commissions	Consequential amendment may be required Provision also could apply to records of Official Inquiries. Also see Recommendation 8–4 and accompanying discussion in Chapter 8.
<i>Australian Securities and Investments Commission Act 2001</i>	127(2B)	Confidentiality	Consequential amendment may be required Provision also could apply to disclosure of information to an Official Inquiry.

<i>Building Industry Act 1985</i>	4(5)(d)	Application to Commission for declaration in relation to [the Australian Building Construction Employees' and Builders Labourers' Federation]	Repeal of provision may be required Provision may be obsolete—allows the Australian Conciliation and Arbitration Commission to consider evidence given in the proceedings of a Royal Commission appointed to inquire into the activities of the Australian Building Construction Employees' and Builders Labourers' Federation.
<i>Child Support (Assessment) Act 1989</i>	150(4D), (4E)	Secrecy	Consequential amendment may be required Provisions also could apply to Official Inquiries.
<i>Child Support (Registration and Collection) Act 1988</i>	16(4D), (4E)	Secrecy	Consequential amendment may be required Provisions also could apply to Official Inquiries.
<i>Civil Aviation Act 1988</i>	32AN	Definitions (definition of 'court')	Consequential amendment may be required Provision also could exclude Official Inquiries from definition.
<i>Crimes Act 1914</i>	15XT	Disclosing real identities during court proceedings etc	Consequential amendment may be required Provision also could refer expressly to Official Inquiries.
<i>Financial Transaction Reports Act 1988</i>	3	Interpretation (definition of 'official, in relation to a Royal Commission')	Repeal of provision may be required Provision appears to be obsolete—officials and Royal Commissions not referred to in other provisions of the Act.
<i>Freedom of Information Act 1982</i>	4(1)	Definitions (definition of 'prescribed authority')	Consequential amendment may be required Provision also could exclude expressly Official Inquiries from the definition.

	13(3)(a)	Documents in certain institutions	Consequential amendment may be required Provision also could apply to records of Official Inquiries.
<i>Health Insurance Act 1973</i>	124Z(1)	Minister may authorise disclosure of information about a serious offence	Consequential amendment may be required Provision also could refer expressly to Official Inquiries.
<i>Income Tax Assessment Act 1997</i>	842–105	Amounts of Australian source ordinary income and statutory income that are exempt	Consequential amendment may be required Provision also could refer to members of Official Inquiries.
<i>Income Tax Assessment Act 1936</i>	16(1), (4)(k), (4A), (4B), (4C), (4AAA)	Officers to observe secrecy	Consequential amendments may be required Provisions also could refer to officers of Official Inquiries.
<i>Inspector-General of Intelligence and Security Act 1986</i>	34A	Information and documents may be given to Royal Commissioners	Repeal of provision may be required The ALRC recommends that this provision should be repealed: See Recommendation 13–5 and accompanying discussion in Chapter 13.
<i>Inspector of Transport Security Act 2006</i>	91(b)	Powers of Parliament and Royal Commissions not affected	Consequential amendment may be required Provision also could apply to Official Inquiries.
<i>Parliamentary Privileges Act 1987</i>	3(1)(b)	Interpretation (definition of ‘tribunal’)	Consequential amendment may be required Provision also could refer expressly to Official Inquiries.

<i>Privacy Act 1988</i>	7(1)(a)(v)	Acts and practices of agencies, organisations etc	Consequential amendment may be required Provision also could exempt acts and practices of Official Inquiries.
<i>Surveillance Devices Act 2004</i>	47(7)	Protection of surveillance device technologies and methods	Consequential amendment may be required Provision also could apply to Official Inquiries.
	48	Protected information in the custody of a court, tribunal or Royal Commission	Consequential amendment may be required Provision also could apply to protected information in the custody of Official Inquiries.
<i>Taxation Administration Act 1953</i>	2(1)	Interpretation (definition of 'eligible Royal Commission')	Consequential amendment may be required Definition also could include eligible Official Inquiries. NB: Some eligible Royal Commissions currently are set out in reg 3A of the <i>Taxation Administration Regulations 1976</i> .
	3D(2)	Provision of taxation information to Australian Crime Commission	Consequential amendment may be required Provision also could apply to information communicated to Official Inquiries under s 16(1)(4)(k) of the <i>Income Tax Assessment Act 1936</i> .
	3E	Use of tax information by law enforcement agencies and eligible Royal Commissions	Consequential amendment may be required Provision also could apply to Official Inquiries.

	17C	Requests to be prescribed as an eligible Royal Commission	Consequential amendment may be required Provision also could apply to Official Inquiries.
<i>Trade Practices Act 1974</i>	155AAA(9), (10), (11)	Protection of certain information	Consequential amendment may be required Provision also could apply to disclosure of information to Official Inquiries.
<i>Transport Safety Investigation Act 2003</i>	63(b)	Powers of Parliament and Royal Commissions not affected	Consequential amendment may be required Provision also could provide that disclosure of information to Official Inquiries is not affected by relevant provisions.
<i>Witness Protection Act 1994</i>	26	Commissioner and members not to be required to disclose information	Consequential amendment may be required Provision also could apply to documents and information disclosed to Official Inquiries.
	28	Identity of participant not to be disclosed in court proceedings etc	Consequential amendment may be required Provision also could refer expressly to Official Inquiries.

Name of Commonwealth Regulations	Regulation	Name of regulation	Amendment
<i>Australian Prudential Regulation Authority Regulations 1998</i>	4A	Prescription of prudential regulation framework laws	Consequential amendment may be required Regulation could provide that the recommended <i>Inquiries Act</i> is a prudential regulation framework law for the purposes of the <i>Australian Prudential Regulation Authority Act 1998</i> .
<i>Electronic Transactions Regulations 2000</i>	Sch 1	Laws of the Commonwealth to which certain provisions of the Act do not apply	Consequential amendment may be required Regulation could provide that relevant provisions of the <i>Electronic Transactions Act 1999</i> apply to the recommended <i>Inquiries Act</i> .
<i>Jury Exemption Regulations 1987</i>	7(2)(b)	Exemptions relating to public administration	Consequential amendment may be required Regulation also could provide expressly that a person is exempted from liability to serve as a juror if he or she is performing duties as Secretary to an Official Inquiry.
<i>Maternity Leave (Commonwealth Employees) Regulations 1982</i>	Sch 3	Prescribed persons to whom the <i>Maternity Leave (Commonwealth Employees) Act</i> applies	Consequential amendment may be required Regulation could apply to members of Official Inquiries.

<i>Taxation Administration Regulations 1976</i>	3A	Prescribed Royal Commissions (Act s 2, definition of ‘eligible Royal Commission’)	Consequential amendment may be required Regulation also could apply to prescribed Official Inquiries.
<i>Telecommunications Regulations 2001</i>	5.3	Disclosure of information — assistance to Royal Commission into Building and Construction Industry (Act s 292)	Repeal of regulation may be required Regulation may be obsolete—regulates disclosure of information to Royal Commission into the Building and Construction Industry (2003).
<i>Treaty of Peace Regulations 1920</i>	19	Power to summon witnesses and require production of documents	Repeal of regulation may be required Regulation may be obsolete—conferred on a minister powers of a Royal Commission appointed under the <i>Royal Commissions Act 1902–1912</i> for proceedings before the Mixed Arbitral Tribunal.

