



AUSTRALIAN CAPITAL TERRITORY

Royal Commissions and Inquiries (Consequential Provisions) Act 1991

No. 3 of 1991

An Act to repeal the *Enquiry Act 1938* and to make certain amendments consequent on the making of the *Royal Commissions Act 1991* and the *Inquiries Act 1991*

[Notified in ACT Gazette S 7: 1 March 1991]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Royal Commissions and Inquiries (Consequential Provisions) Act 1991*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on the day on which the provisions (other than sections 1 and 2) of the *Inquiries Act 1991* commence.

Repeal

3. The *Enquiry Act 1938* is repealed.

Consequential amendments

4. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 4

Administrative Decisions (Judicial Review) Act 1989

Schedule 1—

Add at the end the following:

“This Act does not apply to decisions made under the following enactments:

Inquiries Act 1991;
Royal Commissions Act 1991.”.

Electricity Act 1971

Subsection 28 (2)—

- (a) Omit “Board of Enquiry”, substitute “Board of Inquiry”.
- (b) Omit “*Enquiry Act 1938-1970*”, substitute “*Inquiries Act 1991*”.

Freedom of Information Act 1989

Subsection 4 (1) (subparagraphs (a) (ii) and (iii) of the definition of “prescribed authority”)—

Omit the subparagraphs, substitute the following subparagraphs:

- “(ii) a body that, under subsection (2) or the regulations, is not a prescribed authority for the purposes of this Act;
- (iii) a Royal Commission appointed under the *Royal Commissions Act 1991*; or
- (iv) a Board of Inquiry appointed under the *Inquiries Act 1991*.”.

Ombudsman Act 1989

Subsection 3 (1) (paragraph (a) of the definition of “prescribed authority”)—

Omit the paragraph, substitute the following paragraph:

- “(a) a body corporate, or an unincorporated body, established for a public purpose by, or in accordance with the provisions of, an enactment, other than—
 - (i) an incorporated company or association; or

SCHEDULE—continued

- (ii) a body that, under subsection (2) or the regulations, is not a prescribed authority for the purposes of this Act;”.

Subsection 5 (2)—

After paragraph (2) (c) insert the following paragraphs:

- “(ca) action taken by a Royal Commission under the *Royal Commissions Act 1991*;
- (cb) action taken by a Board of Inquiry under the *Inquiries Act 1991*;”.

Parole Act 1976

Subsection 16 (1)—

- (a) Insert “or she” after “he” (wherever occurring).
- (b) Omit “Board of Enquiry”, substitute “Board of Inquiry”.
- (c) Omit “*Enquiry Act 1938-1970*”, substitute “*Inquiries Act 1991*”.

Subsection 16 (2)—

- (a) Omit “*Enquiry Act 1938-1970*”, substitute “*Inquiries Act 1991*”.
- (b) Omit “Board of Enquiry”, substitute “Board of Inquiry”.

Remand Centres Act 1976

Subparagraph 15 (1) (g) (iv)—

Omit “and” (last occurring).

Subsection 15 (1)—

Add at the end the following paragraph:

- “(i) a person apprehended pursuant to a warrant issued under section 35 of the *Royal Commissions Act 1991*.”.

[Presentation speech made in Assembly on 13 December 1990.]