



**ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP**

NEWS RELEASE

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REVIEW OF ROYAL COMMISSIONS ACT

Attorney-General Robert McClelland today announced that the Rudd Government has asked the Australian Law Reform Commission to review the *Royal Commissions Act 1902*.

The review will examine a range of matters including whether in some inquiries less formal alternatives to a Royal Commission may be appropriate.

"Royal Commissions have been an important means of inquiry and source of advice to government since Federation. But they have tended to be highly technical, time consuming and expensive," Mr McClelland said.

"While there will always be a need to be able to establish a Royal Commission, it is timely to consider whether faster and more flexible inquiries may be appropriate in some cases."

"The importance of this question was demonstrated by the recent inquiry by The Hon John Clarke QC into the case of Dr Mohammed Haneef. Mr Clarke indicated in his report that having powers under the Royal Commissions Act would not have overcome some particular difficulties raised in that inquiry. Less formal inquiries in other areas may nonetheless benefit from having some of the powers of a Royal Commission, including the ability to compel the attendance of witnesses and the production of documents as well as protection from suit for defamation."

In addition to considering questions about the flexibility of existing arrangements, the ALRC will examine whether legislation needs to be updated to provide inquiries with sufficient powers and provide people affected with appropriate protection.

"This referral reflects the Rudd Government's wider commitment towards strengthening the integrity and accountability of government," Mr McClelland said.

In carrying out its review, the Commission will identify and consult with key stakeholders, including relevant Commonwealth, State and Territory agencies.

The Attorney-General has asked the Commission to provide its final report to him by 30 October 2009.

The terms of reference are attached. Further information about the inquiry will be available on the Commission's website at www.alrc.gov.au.

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REVIEW OF THE *ROYAL COMMISSIONS ACT 1902* AND RELATED ISSUES

I, ROBERT McCLELLAND, Attorney-General of the Commonwealth of Australia, having regard to the need to ensure that the executive government has available to it forms of inquiry on matters of public importance which are effective and efficient in the context of contemporary requirements, refer to the Australian Law Reform Commission for inquiry and report, pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996*, the operation and provisions of the *Royal Commissions Act 1902* (the Act) and the question whether an alternative form or forms of Commonwealth executive inquiry should be established by statute.

1. In carrying out its review, the Commission is to consider:
 - (a) whether there is any need to develop an alternative form or forms of Commonwealth executive inquiry, with statutory foundations, to provide more flexibility, less formality and greater cost-effectiveness than a Royal Commission (particularly whether there would be any advantage in codifying special arrangements and powers that should apply to such alternative forms of inquiry);
 - (b) whether there is any need to develop special arrangements and powers for inquiries involving matters of national security;
 - (c) the appropriate balances between powers for persons undertaking inquiries and protections of the rights and liberties of persons interested in, or potentially affected by, inquiries;
 - (d) the appropriateness of restrictions on the disclosure of information to, and use of information by, Royal Commissions and other inquiries, including restrictions contained in other legislation (but not including those arising from the operation of client legal privilege); and
 - (e) suggestions for changes to the Act proposed or raised by Royal Commissions.
2. In carrying out its review, the Commission will identify and consult with key stakeholders, including relevant Commonwealth, State and Territory agencies.
3. The Commission will provide its final report to me by 30 October 2009.

Dated: 14 January 2009

Robert McClelland

Attorney-General