

South Australia



ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001

**SOFTWARE CENTRE INQUIRY (POWERS AND IMMUNITIES)
ACT 2001**

No. 13 of 2001

[Assented to 12 April 2001]

An Act to facilitate the Second Software Centre Inquiry by conferring evidentiary powers and immunities; and for other purposes.

SUMMARY OF PROVISIONS

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3. Application of certain provisions of Ombudsman Act 1972 to Inquiry
4. Power to require attendance of witnesses, etc.
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The Parliament of South Australia enacts as follows:**Short title**

1. This Act may be cited as the *Software Centre Inquiry (Powers and Immunities) Act 2001*.

Interpretation

2. In this Act—

"authorised person" means—

- (a) the person appointed by the Crown Solicitor to conduct the Inquiry; or
- (b) any person appointed by the Crown Solicitor to assist in the conduct of the Inquiry; or
- (c) the secretary to the Inquiry;

"evidentiary material" means any document, object or substance of evidentiary value or possible evidentiary value to the Inquiry;

"Inquiry" means the inquiry into matters surrounding the Cramond inquiry established in response to a resolution passed by the House of Assembly on 1 March 2001¹.

1. See *Hansard* for 1 March 2001 at pp. 1007 to 1010, and *Hansard* for 13 March 2001 at pp. 1030 to 1031.

Application of certain provisions of Ombudsman Act 1972 to Inquiry

3. (1) The relevant provisions of the *Ombudsman Act 1972* apply to and in relation to the Inquiry, as if—

- (a) the Inquiry were the investigation of an administrative act by the Ombudsman under that Act; and
- (b) the person appointed by the Crown Solicitor to conduct the Inquiry were the Ombudsman.

(2) The relevant provisions are—

- (a) section 18(2), (3) and (6); and
- (b) section 23; and
- (c) section 24.

Power to require attendance of witnesses, etc.

4. (1) An authorised person may issue a summons requiring a person to appear before the Inquiry at a specified time and place to give evidence or to produce evidentiary material (or both).

(2) A summons to produce evidentiary material may, instead of providing for production of evidentiary material before the Inquiry, provide for production of the evidentiary material to an authorised person nominated in the summons.

(3) An authorised person may administer an oath or affirmation to a person appearing before the Inquiry.

Obligation to give evidence

5. (1) If a person refuses or fails—

- (a) to comply with a summons issued under this Act; or
- (b) to make an oath or affirmation when required to do so by an authorised person; or
- (c) to answer a question on a subject relevant to the Inquiry to the best of the person's knowledge, information and belief,

the Supreme Court may, on application by an authorised person, compel the attendance of the person before the Court to give evidence or to produce evidentiary material for the purposes of the Inquiry.

(2) A person who, without reasonable excuse, refuses or fails—

- (a) to comply with a summons issued under this Act; or
- (b) to make an oath or affirmation when required to do so by an authorised person; or
- (c) to answer a question on a subject relevant to the Inquiry to the best of the person's knowledge, information and belief,

is guilty of an offence and liable to a penalty not exceeding \$10 000.

Privileges and immunities

6. (1) An authorised person has, in connection with the conduct of the Inquiry, and in respect of any report prepared as part of, or at the conclusion of, the Inquiry, the same protection, privileges and immunities as a Judge of the Supreme Court.

(2) A person who appears before the Inquiry, or who provides evidentiary material to the Inquiry, has the same protection, privileges and immunities as a witness in proceedings before the Supreme Court.

(3) A legal practitioner who represents a person in connection with the Inquiry has the same protection, privileges, immunities and obligations as counsel involved in proceedings before the Supreme Court.