

**COMMISSIONS OF INQUIRY (CONSEQUENTIAL
AMENDMENTS) ACT 1995**

No. 71 of 1995

TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Consequential amendments of Acts
- Schedule 1—Consequential amendments of Acts

**AN ACT to amend certain Acts consequent on the enactment
of the *Commissions of Inquiry Act 1995***

[Royal Assent 14 November 1995]

BE it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled, as
follows:—

Short title

1—This Act may be cited as the *Commissions of Inquiry
(Consequential Amendments) Act 1995*.

Commencement

2—If this Act receives the Royal Assent on or before the day on which the *Commissions of Inquiry Act 1995* commences, it commences on that day, but, if this Act receives the Royal Assent after that day, it is taken to have commenced on that day.

Consequential amendments of Acts

3—The Acts specified in Schedule 1 are amended in the manner specified in that Schedule.

SCHEDULE 1

Section 3

CONSEQUENTIAL AMENDMENTS OF ACTS***Chiropractors Registration Act 1982***

(No. 42 of 1982)

Section 33 is amended by omitting subsection (3) and substituting the following subsection:—

(3) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to an inquiry as if—

- (a) the Board were a Commission established under section 4 of that Act; and
- (b) the inquiry were the inquiry being conducted by that Commission under that Act.

Classification of Publications Act 1984

(No. 107 of 1984)

Section 8 is amended by omitting everything after “this Act,” and substituting “section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to that inquiry as if—

- (a) the Board were a Commission established under section 4 of that Act; and
- (b) the matter were the matter in respect of which that Commission was conducting an inquiry under that Act.”.

Co-operative Housing Societies Act 1963

(No. 83 of 1963)

Section 12 is repealed and the following section is substituted:—

Powers of persons holding inquiries under this Act

12—For the purpose of an inquiry held under this Act, the Registrar or the inspector or other person appointed to hold the inquiry has and may exercise the same powers as are conferred by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act.

Dental Act 1982

(No. 43 of 1982)

1. Section 40 is amended as follows:—

(a) by omitting subsection (2) and substituting the following subsection:—

(2) Subject to this section, where the Board exercises its powers under subsection (1) in relation to a matter, section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to the matter as if—

(a) the Board were a Commission established under section 4 of that Act; and

(b) the matter were the matter into which the Commission had been directed to inquire under that Act.

(b) by omitting from subsection (3) “Notwithstanding anything in the *Evidence Act 1910*, a person” and substituting “A person”.

2. Section 54 is amended as follows:—

(a) by omitting paragraph (b) of subsection (3) and substituting the following paragraph:—

(b) section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to the inquiry as if—

(i) the Board were a Commission established under section 4 of that Act; and

(ii) the inquiry were the inquiry being conducted by that Commission under that Act;

- (b) by omitting from paragraph (c) of subsection (3) “notwithstanding anything in the *Evidence Act 1910*,”.

Hydro-Electric Commission Act 1944

(8 & 9 Geo. VI No. 22)

Section 9 is amended by omitting subsection (5) and substituting the following subsection:—

(5) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to the inquiry as if—

- (a) the judge were a Commission established under section 4 of that Act; and
- (b) the inquiry were the inquiry being conducted by that Commission under that Act.

Industrial Relations Act 1984

(No. 21 of 1984)

Section 71 is amended as follows:—

- (a) by omitting subsection (11) and substituting the following subsection:—

(11) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to the proceedings in any appeal before a Full Bench as if—

- (a) the Full Bench were a Commission established under section 4 of that Act; and
- (b) the matter the ground of the appeal were the matter into which that Commission had been directed to inquire under that Act.
- (b) by omitting from subsection (12) “Notwithstanding anything in section 19 (1) of the *Evidence Act 1910*, a person” and substituting “A person”.

Land Titles Act 1980

(No. 19 of 1980)

Section 160 is amended by omitting subsection (6) and substituting the following subsection:—

(6) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to an inquiry or hearing that the Recorder is by this or any other Act authorised or required to make or hold as if—

- (a) the Recorder were a Commission established under section 4 of the *Commissions of Inquiry Act 1995*; and
- (b) the matter the subject of the inquiry or hearing were the matter into which that Commission had been directed to inquire under that Act.

Local Government Act 1993

(No. 95 of 1993)

Section 10 is amended by omitting subsection (3) and substituting the following subsection:—

(3) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to a review carried out by the Board as if—

- (a) the Board were a Commission established under section 4 of that Act; and
- (b) the review were the inquiry being conducted by that Commission under that Act.

Marine Act 1976

(No. 18 of 1976)

Section 177 is amended by omitting subsection (3) and substituting the following subsection:—

(3) Except as provided by this section, section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to an inquiry conducted by a court of inquiry as if—

- (a) the court were a Commission established under section 4 of that Act; and
- (b) the inquiry were the inquiry being conducted by that Commission under that Act.

Mental Health Act 1963

(No. 63 of 1963)

Section 92 is amended by omitting subsection (2) and substituting the following subsection:—

(2) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to an inquiry made by the Public Trustee under this Part as if—

- (a) the Public Trustee were a Commission established under section 4 of that Act; and
- (b) the inquiry were the inquiry being conducted by that Commission under that Act.

Motor Accidents (Liabilities and Compensation) Act 1973

(No. 71 of 1973)

1. Section 11 is amended by omitting subsection (3) and substituting the following subsections:—

(3) The Board may inquire into any matter it considers necessary to inquire into for the purpose of the proper exercise of its function under this Division.

(3A) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to an inquiry under subsection (3) as if—

- (a) the Board were a Commission established under section 4 of that Act; and
- (b) the inquiry were the inquiry being conducted by that Commission under that Act.

2. Section 12 is amended by omitting subsection (7) and substituting the following subsection:—

(7) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to matters referred to the Tribunal as if—

- (a) the Tribunal were a Commission established under section 4 of that Act; and
- (b) the matter were the matter into which the Commission had been directed to inquire under that Act.

Nursing Act 1987

(No. 65 of 1987)

Section 26 is amended by omitting subsection (3) and substituting the following subsection:—

(3) Except as provided by this section, section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to an inquiry as if—

- (a) the Board were a Commission established under section 4 of that Act; and
- (b) the inquiry were the inquiry being conducted by that Commission under that Act.

Ombudsman Act 1978

(No. 82 of 1978)

Section 24 is amended by omitting subsection (1) and substituting the following subsection:—

(1) Except as provided by this Act, section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to an investigation carried out by the Ombudsman as if—

- (a) the Ombudsman were a Commission established under section 4 of that Act; and
- (b) the investigation were the inquiry being conducted by that Commission under that Act.

Petroleum Products Subsidy Act 1965

(No. 18 of 1965)

Section 12 is repealed and the following section is substituted:—

Powers of authorized officers

12—For the purposes of this Act, an authorized officer has and may exercise the same powers as are conferred by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act.

Pharmacy Act 1908

(8 Edw. VII No. 33)

Section 13 is amended as follows:—

- (a) by omitting from subsection (1) everything after “any person” and substituting “section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to that inquiry as if—
 - (a) the Board were a Commission established under section 4 of that Act; and
 - (b) the inquiry were the inquiry being conducted by that Commission under that Act.”;
- (b) by omitting subsection (2).

Physiotherapists’ Registration Act 1951

(No. 75 of 1951)

1. Section 14 is amended by omitting subsection (4) and substituting the following subsections:—

- (4) Except as provided by this section, section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to an inquiry under this section as if—
 - (a) the Board were a Commission established under section 4 of that Act; and
 - (b) the inquiry were the inquiry being conducted by that Commission under that Act.

(4A) A person called as a witness in an inquiry under this section is not to be compelled to answer a question incriminating or tending to incriminate that person.

2. Section 14B is amended by omitting subsection (4) and substituting the following subsections:—

(4) Except as provided by this section, section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to proceedings of the Board under section 14A as if—

(a) the Board were a Commission established under section 4 of that Act; and

(b) the proceedings were the inquiry being conducted by that Commission under that Act.

(4A) A person called as a witness in an inquiry is not to be compelled to answer a question incriminating or tending to incriminate that person.

Psychologists Registration Act 1976

(No. 12 of 1976)

Section 34 is amended as follows:—

(a) by omitting from subsection (1) everything after “any matter,” and substituting “section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to the inquiry, hearing or matter as if—

(a) the Board were a Commission established under section 4 of that Act; and

(b) the inquiry, hearing or matter were the inquiry being conducted by that Commission under that Act.”;

(b) by omitting from subsection (2) “Notwithstanding anything in the *Evidence Act 1910*, a person” and substituting “A person”.

Police Regulation Act 1898

(62 Vict. No. 48)

Section 50D is amended by omitting paragraph (c) of subsection (6) and substituting the following paragraph:—

(c) the Board has and may exercise the same powers as are conferred by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act.

Racing Act 1983

(No. 87 of 1983)

Section 27 is amended as follows:—

- (a) by omitting subsection (2) and substituting the following subsection:—

(2) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to the proceedings in an appeal as if—

(a) the Board were a Commission established under section 4 of that Act; and

(b) the appeal were the inquiry being conducted by that Commission under that Act.

- (b) by omitting from subsection (3) “Notwithstanding anything in section 19 (1) of the *Evidence Act 1910*, a person” and substituting “A person”.

Racing and Gaming Act 1952

(No. 98 of 1952)

1. Section 24 is amended by omitting subsection (6) and substituting the following subsection:—

(6) For the purpose of holding an inquiry under this section, the Authority has and may exercise the same powers as are conferred by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act.

2. Section 30 is amended by omitting subsection (6) and substituting the following subsection:—

(6) For the purpose of holding an inquiry under this section, the Authority has and may exercise the same powers as are conferred by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act.

3. Section 60AAC is amended by omitting subsection (1) and substituting the following subsection:—

(1) Except as provided by this section, section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply in relation to an inquiry under section 60AA or 60AAB into a matter as if—

(a) the Authority were a Commission established under section 4 of that Act; and

(b) the inquiry were the inquiry being conducted by that Commission under that Act.

4. Section 119 is amended by omitting subsection (4) and substituting the following subsection:—

(4) Where, by virtue of regulations made under this section, a dispute in respect of a bet is submitted to a body or person for decision, section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to any hearing conducted by that body or person in relation to the dispute as if—

(a) the body or person were a Commission established under section 4 of that Act; and

(b) the hearing were a hearing for the purpose of the inquiry being conducted by that Commission under that Act.

Railway Management Act 1935

(26 Geo. V No. 33)

Section 11 is amended by omitting subsection (11) and substituting the following subsection:—

(11) For the purpose of conducting an inquiry under this section, a board of inquiry has and may exercise the same powers as are conferred by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act.

Renison Limited (Zeehan Lands) Act 1964

(No. 70 of 1964)

Section 5 is amended by omitting subsection (5) and substituting the following subsection:—

(5) For the purpose of the exercise of its functions under this Act, the board has and may exercise the same powers as are conferred by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act.

Renison Limited (Zeehan Lands) Act 1970

(No. 71 of 1970)

Section 5 is amended by omitting subsection (5) and substituting the following subsection:—

(5) For the purpose of the exercise of its functions under this Act, the board has and may exercise the same powers as are conferred by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act.

State Grants Commission Act 1976

(No. 40 of 1976)

Section 8 is amended as follows:—

(a) by omitting subsection (2) and substituting the following subsection:—

(2) Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to an inquiry or investigation under subsection (1) as if—

- (a) the Commission were a Commission established under section 4 of that Act; and
- (b) the subject of the inquiry or investigation were the matter into which that Commission had been directed to inquire under that Act.

(b) by omitting from subsection (3) “Notwithstanding anything in the *Evidence Act 1910*, a person” and substituting “A person”.

Traffic Act 1925

(16 Geo. V No. 38)

Section 30B (6) is amended by omitting everything after “conferred” and substituting “by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act”.

Vocational Education and Training Act 1994

(No. 88 of 1994)

Section 67 is amended by omitting subsection (5) and substituting the following subsection:—

(5) In carrying out an inquiry, the Training Authority has and may exercise the same powers as are conferred by Part 3 of the *Commissions of Inquiry Act 1995* on Commissions established under section 4 of that Act in respect of inquiries under that Act.

[Second reading presentation speech made in:—
House of Assembly on 30 June 1995
Legislative Council on 11 October 1995]