

Written evidence from Australian High Commission (STI0028)

1. What is the legislative framework for public inquiries in Australia?

There is no single legislative framework for public inquiries in Australia. Public inquiries are established by the executive to inquire into a matter of public importance. This may be conducted under statute or initiated by the executive without statutory foundation.

At the Commonwealth (national) level, examples of statutory bases for inquiries are the *Royal Commissions Act 1902*, which provides for the appointment of royal commissions, or Part 3 of the *Productivity Commission Act 1988*, which authorises the Productivity Commission to undertake public inquiries. States and territories have enacted legislation that provides for the appointment of royal commissions as well as other public inquiries with powers and protections.

Ministers and departments may (without the need for statutory authority) commission third parties to conduct inquiries. The scope of inquiry would be limited to the portfolio authority given to Ministers/departments.

Parliamentary committees may also establish public inquiries. This may be done under statute (eg Part 4 of the *Intelligence Services Act 2001* empowers the Parliamentary Joint Committee on Intelligence and Security to conduct inquiries) or under the investigative authority referred to the committee by the Parliament.

With respect to questions 2-7, this may be more of a question of state governments as they have legislated to establish implementation monitors in certain fields (e.g. the Victorian Fire Services Implementation Monitor and Family Violence Reform Implementation Monitor).

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