

LEGISLATIVE ASSEMBLY

Charitable Fundraising Amendment (Inquiries) Bill 2017

First print

Proposed amendments

No. 1 **Determination of costs**

Page 3, Schedule 1. Insert after line 27:

[6] Section 41 (6)

Insert after section 41 (5)

- (6) When deciding whether to direct a person or organisation to make payments under this section, the Minister must take into account the financial viability of the person or organisation.

No. 2 **Procedural guidelines**

Page 5, Schedule 1 [6]. Insert after line 33:

41F Procedural guidelines relating to public inquiries

- (1) A public inquirer is to issue guidelines relating to the conduct of the public inquiry if the public inquirer considers it in the public interest to do so.
- (2) Without limiting subsection (1), the guidelines may provide guidance on the following aspects of the conduct of the public inquiry:
 - (a) the investigation of evidence that might exculpate relevant persons,
 - (b) the disclosure of exculpatory and other relevant evidence to relevant persons,
 - (c) the opportunity to cross-examine witnesses as to their credibility,
 - (d) providing relevant persons and other witnesses with access to relevant documents and a reasonable time to prepare before giving evidence,
 - (e) any other matter the public inquirer considers necessary to ensure procedural fairness.
- (3) The public inquirer is to ensure that the guidelines are made publicly available.
- (4) In this section:
relevant person means a person against whom substantial allegations have been made in the course of or in connection with the public inquiry.

No. 3 **Public hearings**

Page 5, Schedule 1 [6], proposed section 41F. Insert after line 40:

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- (4) When deciding whether to direct that a hearing be held in private (and without limiting subsection (3)), one of the matters that the public inquirer must take into account is the effect of a public hearing on the reputation of any persons appearing before the public inquiry.

No. 4 **Legal representation**

Page 6, Schedule 1 [6], proposed section 41G (3) and (4), lines 8-13. Omit all words on those lines. Insert instead:

- (3) The public inquirer may authorise:
- (a) a person giving evidence at a public inquiry, or
 - (b) an affected person,
- to be represented by an Australian legal practitioner at the public inquiry or a specified part of the public inquiry.
- (4) The public inquirer is required to give a reasonable opportunity for a person giving evidence at a public inquiry to be legally represented.

No. 5 **Legal or financial assistance**

Page 6, Schedule 1 [6]. Insert after line 13:

41H Legal and financial assistance for witness

- (1) A witness who is appearing or about to appear before a public inquiry may apply to the Minister for legal or financial assistance.
- (2) The Minister may approve the provision of legal or financial assistance to the applicant if the Minister is of the opinion that this is appropriate, having regard to any one or more of the following:
- (a) the prospect of hardship to the witness if assistance is declined,
 - (b) the significance of the evidence that the witness is giving or appears likely to give,
 - (c) any other matter relating to the public interest.
- (3) On giving the approval, the Minister may authorise the provision to the witness of legal or financial assistance determined by the Minister in respect of the witness's appearance before the public inquiry. The assistance is to be provided out of money provided by Parliament for the purpose.
- (4) The assistance may be provided unconditionally or subject to conditions determined by the Minister.
- (5) The Minister may delegate one or more of the Minister's functions under this section to the Secretary of the Department of Finance, Services and Innovation.

No. 6 **Self-incrimination**

Page 7, Schedule 1 [6], proposed section 41L (6), line 45. Omit "(except subsection (2) (b))".