

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates 24-28 February 2014

Prime Minister and Cabinet Portfolio

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** 1.1 Prime Minister and Cabinet

**Topic:** Royal Commission – compliance

**Senator:** Senator Cory Bernardi

**Question reference number:** 8

**Type of Question:** FPA, Monday 24 February 2014, page 77

**Date set by the committee for the return of answer:** 11 April 2014

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**Question:**

CHAIR: For my personal information, Ms Kelly, would you be able to briefly detail, given the powers of the royal commission, what are the penalties attached for refusing to comply with an order of the royal commission?

Ms Kelly: Chair, I only know that it is a criminal offence to fail to comply with a summons from the royal commission. I am not sure what the maximum penalty is, but we can certainly find that information for you.

Senator Abetz: Who would go to jail? The Prime Minister or the Secretary of the Department of the Prime Minister and Cabinet, or both?

CHAIR: Or the representing minister in the Senate.

Senator Abetz: Yes.

CHAIR: But there are criminal penalties attached?

Ms Kelly: That is my understanding.

CHAIR: You can take that on notice. I am just interested for my own information.

**Answer:**

The *Royal Commissions Act 1902* (Cth) imposes penalties for failing to comply with orders in a number of provisions, including where a person is served with a summons and fails to appear, or fails to produce documents as required by the summons (section 3). Failing to comply with a summons to appear, or to produce documents, is a strict liability offence, the penalty for which is \$1,700 or imprisonment for 6 months.