

**Explanatory Memorandum - Extraterritorial Powers of the
Murray-Darling Basin Royal Commission**

It has been reported in the Press that the Royal Commissioner “will not be able to compel witnesses from other States to give evidence”. This statement is regarded by the Royal Commissioner as being incorrect.

It has been stated repeatedly on various public occasions, including community consultations by Senior Counsel Assisting and by the Royal Commissioner, that the effect of the *Royal Commissions Act 1917 (SA)* and the *Service and Execution of Process Act 1992 (Cth)* is to permit the service out of South Australia of compulsory process to obtain evidence for the Royal Commission. The production of documents and the attendance of witnesses to give evidence may be compelled whether the process is to be served in South Australia or elsewhere throughout the Commonwealth of Australia.

That position is regarded as correct by the Royal Commissioner as a matter of law on the current state of the relevant legislation. A proposal, which it has been announced will not be progressed, to amend the *Royal Commissions Act* for the purpose of clarifying its extraterritorial reach is not regarded as necessary by the Royal Commissioner, and would not extend the powers of the Royal Commission beyond what the current law provides.

This statement has been made in order to clarify the position of the Royal Commission in light of a statement published in the press, which was made without prior enquiry by the press of the Commission, as to its accuracy.

14 May 2018