

ROYAL COMMISSIONS.

No. 12 of 1902.

An Act relating to Royal Commissions.

[Assented to 8th September, 1902.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Royal Commissions Act 1902*. Short title.

2. Whenever the Governor-General by letters patent under the Great Seal of the Commonwealth issues a Commission to any persons to make any inquiry, the President or Chairman of the Commission, or the sole Commissioner as the case may be, may by writing under his hand summon any person to attend the Commission at a time and place named in the summons, and then and there to give evidence and to produce any books documents or writings in his custody or control material to the subject matter of the inquiry. Power to send for witnesses and documents.

3. Any of the Commissioners may administer an oath to any person appearing as a witness before the Commission, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath. Power to examine upon oath;

4.—(1.) Where any witness to be examined before the Commission conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth, and nothing but the truth, to all questions that may be asked him. Affirmation in lieu of oath.

(2.) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

5. If any person served with a summons to attend the Commission, whether the summons is served personally or by being left at his usual place of abode, fails without reasonable excuse to attend the Commission, or to produce any documents, books, or writings in his custody or control which he was required by the summons to produce, he shall be liable, on summary conviction, to a penalty not exceeding Fifty pounds. Penalty for failing to attend or produce documents.

Penalty for refusing to be sworn or to give evidence.

6. If any person appearing as a witness before the Commission refuses to be sworn or to make an affirmation or to answer any question put to him by any of the Commissioners touching the subject matter of the inquiry he shall be liable on summary conviction to a penalty not exceeding Fifty pounds.

Protection to Commissioners.

7.—(1.) Every such Commissioner shall in the exercise of his duty as Commissioner have the same protection and immunity as a Justice of the High Court.

Protection to and liability of witnesses.

(2.) Every witness summoned to attend or appearing before the Commission shall have the same protection, and shall in addition to the penalties provided by this Act be subject to the same liabilities in any civil or criminal proceeding, as a witness in any case tried in the High Court.

(3.) Until the High Court is established, this section shall be read as if the words "Supreme Court of the State in which the Commission sits" were substituted for the words "High Court."

Allowances to witnesses.

8.—(1.) The Governor-General may make regulations prescribing a scale of allowances to be paid to any witness summoned under this Act for his travelling expenses and maintenance while absent from his usual place of abode.

(2.) The claim to allowance of any such witness, certified by the President or Chairman of the Commission or by the sole Commissioner as the case may be, shall be paid by the Treasurer out of moneys to be provided by the Parliament for the purposes of the Commission.