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Royal Commissions Regulations 2001

Statutory Rules 2001 No. L¹

315

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Royal Commissions Act 1902*.

Dated ' 8 OCT 2001 2001

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

L
Prime Minister

JOHN HOWARD

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1 **Name of Regulations**

These Regulations are the *Royal Commissions Regulations 2001*.

2 **Commencement**

These Regulations commence on gazettal.

3 **Royal Commissions Regulations — repeal**

The following Statutory Rules are repealed:

- 1927 No. 75
- 1983 No. 6.

4 **Definitions**

In these Regulations unless the contrary intention appears:

Act means the *Royal Commissions Act 1902*.

High Court Scale means the scale of witnesses' expenses that applies to witnesses appearing before the High Court.

5 **Form of summons to appear before Commission**

A summons to a person to appear before a Commission at a hearing must be in the form set out in Schedule 1.

6 Service of notices and summonses (Act s 2, s 3)

For subsections 2 (3A) and 3 (1) and (2) of the Act, the prescribed manner of serving a notice or summons (the *document*) is:

- (a) if the person named in the document is an individual — by handing the document to the person or, if on tender of the document to the person the person refuses to accept it, putting it down in the person's presence after the person has been told of the nature of the document; or
- (b) if the person named in the document is a corporation — by handing the document to a person apparently an officer of, or in the service of, the corporation and apparently of or above the age of 16 years:
 - (i) at the registered office of the corporation; or
 - (ii) if there is no registered office, at the principal place of business or the principal office of the corporation;
 or, if on tender of the document to such a person the person refuses to accept it, putting it down in the person's presence after the person has been told of the nature of the document.

7 Witnesses' expenses

- (1) A witness who appears before a Commission in answer to a summons under section 2 of the Act may be paid expenses in accordance with the High Court Scale.
- (2) A witness who appears before a Commission without being summoned under section 2 of the Act to do so may, if the Commission directs, be paid expenses in accordance with the High Court Scale.
- (3) In the application of the High Court Scale to a witness, the Commission has, and may exercise, all the powers and functions of the taxing officer under that scale.
- (4) In this regulation:
Commission includes a Commissioner authorised by the Commission, in writing, for this regulation.

Schedule 1 Form of summons

(regulation 5)

COMMONWEALTH OF AUSTRALIA

Royal Commissions Act 1902

COMMISSION OF INQUIRY INTO [matter]

SUMMONS TO APPEAR BEFORE THE COMMISSION

To [name]
[address]

In pursuance of subsection 2 (1) of the *Royal Commissions Act 1902*, I, [name], a member of the Commission established under Letters Patent dated [date] to make inquiry into and report upon the above-mentioned matters, summon you:

- (a) to appear before the Commission at the hearing to be held at [address where Commission is to sit] on [date] at [time]
 - * to give evidence in relation to the matters into which the Commission is inquiring; and
 - * to produce [this summons and] the documents [or things or documents and other things] described in the Schedule; and
 - * to give evidence in relation to the matters into which the Commission is inquiring and to produce [this summons and] the documents [or things or documents and other things] described in the Schedule; and
- (b) to attend from day to day unless excused or released from further attendance.

*SCHEDULE

[description of material to be produced]

Dated

[Signature of the member of the
Commission issuing the summons]

* Omit if inapplicable

Note

1. Notified in the *Commonwealth of Australia Gazette* on *L* 2001. *15 October*