

Act No. 23, 1901.

Royal Commissioners Evidence.

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ROYAL
COMMISSIONERS
EVIDENCE.

An Act to consolidate the law relating to the taking of Evidence by Commissioners under the Great Seal. [26th October, 1901.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Royal Commissioners Evidence Act, 1901."

Repeal.

2. The Act mentioned in the Schedule to this Act is hereby repealed.

Witnesses may be summoned to attend Commission.
44 Vic. No. 1, s. 1.

3. Whenever by letters patent under the Great Seal any person or persons have been appointed by the Governor a commission to make any inquiry, the president or chairman of such commission, or any person so appointed as sole commissioner, may summon by writing under his hand any person, whose evidence is in the judgment of such president, chairman, commissioner, or of any member of such commission, material to the subject-matter of such inquiry, to attend the said commission at such place and time as shall be specified in such summons.

Books, &c., to be produced.
Ibid.

4. Any person required by any such summons to produce any books, documents, or writings in his custody or control, shall attend and produce the same before such commission.

Witnesses may be examined on oath.
Ibid.

5. Any commissioner may examine upon oath any person appearing as a witness, whether so summoned or appearing without summons, touching the subject-matter of such inquiry.

Immunity of commissioners.
Ibid.

6. Every such commissioner shall in the exercise of his duty as such commissioner have the same protection and immunity as a Judge of the Supreme Court.

Immunity and liability of witnesses.
Ibid.

7. Every witness appearing before any such commission shall have the same protection and be subject to the same liabilities in any civil or criminal proceedings as a witness giving evidence in any case tried in the Supreme Court.

Penalty for non-attendance or refusal to give evidence.
Ibid. s. 2.

8. (1) Every person served with any such summons, whether personally or by the same having been left at his usual place of abode, who without reasonable excuse—

(a) fails to attend before such commission as aforesaid; or

(b)

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(b) refuses to be sworn or to answer any question put to him by any such commissioner touching the subject-matter of such inquiry ;

shall be liable to a penalty not exceeding twenty pounds.

(2) Every person having the custody or control of any books, documents, or writings required to be produced by any such summons as aforesaid, who neglects to produce the same at the time and place specified in such summons, shall be liable to a penalty not exceeding twenty pounds.

9. (1) The Governor may by regulation fix a scale of allowances to be paid to any witness summoned as aforesaid for his travelling expenses and maintenance whilst absent from his usual place of abode. Expenses of witnesses. 44 Vic. No. 1, s. 3.

(2) The amount of the claim of any such witness to such allowance, certified by the president or chairman of such commission, or by a sole commissioner, as the case may be, shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund, or out of the fund (if any) to be set apart by Parliament for the purposes of the commission.

10. If in any such letters patent as aforesaid it is declared that all or any specified sections of this Act shall not be applicable for the purposes of the inquiry delegated by such letters patent, then all such sections or such specified sections (as the case may be) shall with respect to such inquiry be taken to be wholly inoperative. When this Act or certain provisions thereof shall not be applicable to commissions. Ibid. s. 4.

SCHEDULE.

Reference to Act.	Title.	Extent of Repeal.
44 Vic. No. 1 ...	An Act to regulate the taking of evidence by commissioners under the Great Seal.	The whole.