



Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

No. XXVIII.

AN ACT for procuring the Attendance of
Witnesses before Royal Commissions.

[Assented to, 19th February, 1902.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act shall be cited as the Royal Commissioners' Powers Act, 1902.

Short title.

2. IT shall be lawful for any Royal Commission, appointed or to be appointed by the Governor, to summon, by writing under the hand of the chairman of the Commission, any person whose evidence shall, in the judgment of the Commission, be material to the subject matter of the inquiry to be made by such Commission, to attend the said Commission at such place and time as shall be specified therein; and such person may be required by such summons to bring any books, papers, writings, deeds, and documents of which any Court of

Commission may
summon witnesses.

And require produc-
tion of books, etc.

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law might compel the production, and any member of such Commission may examine such person, upon oath or otherwise, touching the matter to be inquired into by such Commission.

Penalty for refusing to appear as a witness.

3. IF any person on whom any such summons shall have been served by the delivery thereof to him, or by the leaving thereof at his usual place of abode, shall neglect or fail to appear according to the exigency of the summons requiring his attendance, or being present shall refuse to be sworn or to give evidence, or to make answer to such questions as shall be put to him by any member of such Commission, touching the subject matter of the inquiry, or if any person having the custody or control of such books, papers, documents, and writings shall, upon being summoned as aforesaid, fail or neglect to produce them at the time and place named in such summons, such person so offending shall forfeit and pay to His Majesty, for every such default, any sum not exceeding One hundred pounds, to be recovered in a summary way before any Court of summary jurisdiction, by any person authorised by the Commission so to do.

Witnesses' expenses.

4. ANY witness attending in pursuance of any such summons shall be entitled to expenses for travelling and maintenance during his absence from his usual place of residence, according to the scale allowed by the rules of the Supreme Court in civil cases to witnesses, and such expenses shall be paid by the Colonial Treasurer out of consolidated revenue, if certified by the chairman of such Commission.

Witnesses not liable to penalty unless payment of expenses made or tendered.

5. NO person summoned as a witness as aforesaid shall be liable to any penalty for refusing or neglecting to appear as a witness unless at the same time as the service of summons there shall have been made to such person a payment or a tender of his travelling expenses, according to the scale allowed by the Supreme Court in civil cases to witnesses.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.