



ANNO TRICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1988

No. 31 of 1988

An Act to amend the Royal Commissions Act, 1917.

[Assented to 21 April 1988]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Royal Commissions Act Amendment Act, 1988*.
- (2) The *Royal Commissions Act, 1917*, is in this Act referred to as "the principal Act".

Interpretation

2. Section 3 of the principal Act is amended by striking out the definition of "the commission" and substituting the following definitions:

"commission" means a commission of inquiry established by the Governor, by instrument under the public seal of the State:

"commissioner" means any person who is appointed by the Governor to constitute, or to be a member of, a commission.

Substitution of s. 4

3. Section 4 of the principal Act is repealed and the following section is substituted:

Constitution of commission

4. (1) A commission may be constituted of a single commissioner or of two or more commissioners.

(2) Where a commission is constituted of two or more commissioners, the commissioners will sit jointly to conduct the inquiry unless the Governor authorizes individual commissioners to sit independently to conduct parts or aspects of the inquiry that are, by direction of the Governor or the chairman, to be dealt with independently by individual commissioners.

(3) Where a commissioner sits independently of other commissioners to conduct particular parts or aspects of an inquiry, the commissioner will have in relation to those proceedings the same powers as if appointed a sole commissioner.

(4) Where a commission is constituted of two or more commissioners, and the commissioners are to sit jointly for the purposes of the inquiry or any part or aspect of the inquiry, then, subject to any contrary direction by the Governor—

- (a) a quorum of the commission consists of a number of commissioners equal to, or greater than, one-half the total number of commissioners;
- (b) the chairman will determine questions of administration and procedure; and
- (c) any other question will be determined according to the opinion of a majority of the commissioners present at the sitting at which the question is to be determined.

Powers of commission in respect of witnesses

4. Section 11 of the principal Act is amended—

- (a) by striking out from subsection (1) “not exceeding two months” twice occurring and substituting, in each case, “not exceeding three months”;
- and
- (b) by striking out from subsection (1) “not exceeding four hundred dollars” and substituting “not exceeding \$1 000”.

Punishment for false evidence

5. Section 15 of the principal Act is amended—

- (a) by striking out “shall be guilty of perjury, and may be imprisoned, with or without hard labour, for any term not exceeding four years” and substituting “is guilty of perjury”;
- and
- (b) by inserting at the foot of that section “Penalty: imprisonment for four years”.

Bribery of witness

6. Section 17 of the principal Act is amended—

- (a) by striking out “shall be guilty of a misdemeanour and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years” and substituting “is guilty of an offence”;
- and
- (b) by inserting at the foot of that section “Penalty: \$8 000 or imprisonment for two years”.

Fraud on witness

7. Section 18 of the principal Act is amended—

- (a) by striking out “shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years” and substituting “is guilty of an offence”;
- and
- (b) by inserting at the foot of that section “Penalty: \$8 000 or imprisonment for two years”.

Destroying books or documents

8. Section 19 of the principal Act is amended—

- (a) by striking out “shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding four years” and substituting “is guilty of an indictable offence”;
- and
- (b) by inserting at the foot of that section “Penalty: \$15 000 or imprisonment for four years”.

Preventing witness from attending**9. Section 20 of the principal Act is amended—**

(a) by striking out “shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years” and substituting “is guilty of an offence”;

and

(b) by inserting at the foot of that section “Penalty: \$8 000 or imprisonment for two years”.

Injury to witness**10. Section 21 of the principal Act is amended—**

(a) by striking out “shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year” and substituting “is guilty of an offence”;

and

(b) by inserting at the foot of that section “Penalty: \$4 000 or imprisonment for twelve months”.

Dismissal by employer of witness**11. Section 22 of the principal Act is amended—**

(a) by striking out from subsection (1) “shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year” and substituting “is guilty of an offence”;

and

(b) by inserting at the foot of subsection (1) “Penalty: \$4 000 or imprisonment for twelve months”.

Substitution of s. 23**12. Section 23 of the principal Act is repealed and the following section is substituted:****Regulations**

23. (1) The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1), those regulations may—

(a) prescribe the forms of summonses, subpoenas and notices to be used by the commission;

(b) prescribe rules of practice and procedure;

(c) prescribe expenses to be paid to commissioners;

(d) prescribe penalties (not exceeding \$500) for breach of, or non-compliance with, a regulation.

Summary proceedings for offences

13. Section 25 of the principal Act is amended by striking out “(not being indictable offences)” and substituting “(not being punishable by imprisonment)”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor