



ANNO QUADRAGESIMO

ELIZABETHAE II REGINAE

A.D. 1991

No. 8 of 1991

An Act to amend the Royal Commissions Act 1917.

[Assented to 28 March 1991]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Royal Commissions (Summonses and Publication of Evidence) Amendment Act 1991*.

(2) The *Royal Commissions Act 1917* is referred to in this Act as “the principal Act”.

Interpretation

2. Section 3 of the principal Act is amended by inserting after the definition of “commissioner” the following definition:

“record” includes—

(a) information stored or recorded by a computer or other means;

and

(b) a computer tape or disk or any other device on or by which information is stored or recorded.

Powers of commission

3. Section 10 of the principal Act is amended—

(a) by striking out paragraph (3) and substituting the following paragraph:

(3) They may require, by summons under the hand of the chairman or of the secretary acting under the direction of the chairman, the production of any books, papers, documents or records.;

and

(b) by striking out from paragraph (4) “and documents” and substituting “documents and records”.

Powers of commission in respect of witnesses

4. Section 11 of the principal Act is amended by striking out from paragraph (f) of subsection (1) "or documents mentioned in a notice under section 10" and substituting "documents or records as required by a summons".

Insertion of s. 11a

5. The following section is inserted after section 11 of the principal Act:

Issuing of summons or warrant by magistrate

11a. (1) Without limiting the effect of any other provisions of this Act, a magistrate may, on application by the commission or a person appointed by the commission—

- (a) if satisfied that there are reasonable grounds to believe that a person has knowledge of matters, or possession or control of books, papers, documents or records, relevant to the inquiry, issue a summons requiring the person to appear before the commission and answer questions or produce the books, papers, documents or records;
- (b) if satisfied that a person has been served with such a summons and paid or tendered the person's expenses as provided in section 11 (5) but has failed (without reasonable excuse) to appear or produce books, papers, documents or records in obedience to the summons, issue a warrant directed to all members of the police force for the person to be apprehended and brought before the commission.

(2) The grounds of an application for a summons or warrant must be verified by affidavit.

(3) A person who has disobeyed a summons and is brought before the commission in pursuance of a warrant issued under this section may be committed to gaol or otherwise dealt with in accordance with section 11.

Orders in relation to evidence, etc.

6. Section 16a of the principal Act is amended by striking out subsection (4).

Destroying books, etc.

7. Section 19 of the principal Act is amended by striking out "or writing" and substituting "paper or record".

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

ROMA MITCHELL Governor