

ROYAL COMMISSIONERS' POWERS.

8° Elizabeth II., No. II.

No. 2 of 1959.

AN ACT to amend the Royal Commissioners' Powers Act, 1902-1956.

[Assented to 11th August, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Royal Commissioners' Powers Act Amendment Act, 1959.*

Short title
and citation.

(2) In this Act, the Royal Commissioners' Powers Act, 1902, Act No. 28 of 1902 as amended by Act No. 6 of 1914 and as further amended by Act No. 40 of 1956, is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Royal Commissioners' Powers Act, 1902-1959.

Long title amended.

2. The principal Act is amended by substituting for the long title, the following—

AN ACT relating to Royal Commissions and for purposes connected therewith.

Ss. 12-16 added.

3. The principal Act is amended by adding sections as follow—

Protection of chairman, members of a Royal Commission, barristers and witnesses.

12. (1) Each member of a Royal Commission has, in the exercise of his duty as member, the same protection and immunity as a Judge of the Supreme Court.

(2) A barrister or solicitor appearing before a Royal Commission, and every other person authorised by a Royal Commission to appear before it, has the same protection and immunity as a barrister has in appearing for a party in proceedings in the Supreme Court.

(3) Subject to this Act, a witness summoned to attend or appear before a Royal Commission has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities in any civil or criminal proceeding, as a witness in proceedings in the Supreme Court.

Power of chairman to grant certificate under Evidence Act, 1906.

(4) The chairman of a Royal Commission, or where a Royal Commission is issued to a person as sole Commissioner the Commissioner, may with the written consent of the Attorney General, grant to any person called as a witness, a certificate under the provisions of section eleven of the Evidence Act, 1906.

13. No action or proceeding, civil or criminal, lies against the Crown in right of the State, against a Minister or against a servant or agent of the Crown in right of the State, in respect of the printing or publishing of—

Proceedings for defamation not to lie.

- (a) a transcript of proceedings of a Royal Commission; or
- (b) a report of a Royal Commission.

14. The provisions of sections twelve and thirteen of this Act do not limit or abridge any privilege, protection or immunity existing apart from those provisions.

Privilege, protection or immunity not limited or abridged.

15. A barrister or solicitor appointed by the Attorney General to assist a Royal Commission, a barrister or solicitor authorised by a Royal Commission to appear before it for the purpose of representing any person, or any other person authorised to appear before it, may, so far as the Commission thinks proper, examine or cross-examine any witness on any matter which the Commission deems relevant to the inquiry and a witness so examined or cross-examined has the same protection and is subject to the same liabilities as if he were examined by a member of the Commission.

Examination of witnesses by counsel etc.

16. A person shall not—

- (a) wilfully insult or disturb a Royal Commission;
- (b) interrupt the proceedings of a Royal Commission;
- (c) use insulting language towards a Royal Commission or a member thereof;
- (d) by writing or speech use words false and defamatory of a Royal Commission or of a member thereof; or

Offences against a Royal Commission.

(e) by writing or speech use words or do any other act calculated—

- (i) to influence improperly a person in relation to evidence which he may give before a Royal Commission;
- (ii) to influence improperly a witness before a Royal Commission; or
- (iii) to bring a Royal Commission or a member thereof into disrepute.

Penalty: One hundred pounds or imprisonment for three months.

Ss. 12 to 16
both
inclusive
deemed
retroactive.

17. Sections twelve to sixteen both inclusive of this Act shall be deemed to have had effect as from the twentieth day of July one thousand nine hundred and fifty-nine.

4. This Act shall remain in operation until the thirty-first day of December, one thousand nine hundred and sixty and no longer.
