

NORFOLK



ISLAND

ROYAL COMMISSIONS ACT 1928

[Consolidated as at 31 July 2007
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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ROYAL COMMISSIONS ACT 1928

An Act relating to Royal Commissions

Short title

1. This Act may be cited as the *Royal Commissions Act 1928*.

Repeal

2. The *Royal Commissions Law 1913* is repealed.

Definitions

3. In this Act, unless the contrary intention appears —

“Commission” and “Royal Commission” means any Commission of inquiry issued by the Administrator by Letters Patent in pursuance of this Act or of any other power, and includes the members of the Commission, or a quorum thereof, or the sole Commissioner, sitting for the purposes of the inquiry;

“reasonable excuse” in relation to any act or omission by a witness or a person summoned as a witness before a Commission means an excuse which would excuse an act or omission of a similar nature by a witness or a person summoned as a witness before a court of law.

Power to send for witnesses and documents

4. Whenever the Administrator by Letters Patent under the Public Seal of Norfolk Island issues a Commission to any persons to make any enquiry, the President or Chairman of the Commission, or the sole Commissioner, as the case may be, may by writing under his hand summon any person to attend the Commission at a time and place named in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or control which he is required by the summons to produce.

Power to examine upon oath

5. Any of the Commissioners may administer an oath to any person appearing as a witness before the Commission, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath.

Affirmation in lieu of oath

6. (1) Where any witness to be examined before the Commission conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth, and nothing but the truth, to all questions that may be asked him.

- (2) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

Penalty for failing to attend or produce documents

7. (1) If any person served with a summons to attend the Commission, whether the summons is served personally or by being left at his usual place of abode, fails without reasonable excuse to attend the Commission, or to produce any books, documents or writings in his custody or control which he was required by the summons to produce, he shall be guilty of an offence.

Penalty: 5 penalty units

(2) It shall be a defence to a prosecution under this section for failing without reasonable excuse to produce any books, documents or writings, if the defendant proves that the books, documents or writings were not relevant to the inquiry.

Penalty for refusing to be sworn or to give evidence

8. If any person appearing as a witness before the Commission refuses to be sworn or to make an affirmation or to answer any question relevant to the inquiry put to him by any of the Commissioners he shall be guilty of an offence.

Penalty: 5 penalty units

Duty of witness to continue in attendance

9. Every witness who has been summoned to attend a Royal Commission shall appear and report himself from day to day unless excused by the President or Chairman of the Commission or until he is released from further attendance by the President or Chairman of the Commission.

Witness need not disclose secret process

10. Nothing in this Act shall make it compulsory for any witness before a Royal Commission to disclose to the Commission any secret process of manufacture.

Statements made by witness not admissible in evidence against him

11. A statement or disclosure made by any witness in answer to any question put to him by a Royal Commission or any of the Commissioners shall not (except in proceedings for an offence against this Act) be admissible in evidence against him in any civil or criminal proceedings in any Commonwealth Court or any Court of Norfolk Island.

Power of Commission in relation to documents produced

12. A Royal Commission may inspect any books, documents or writings produced before it, and may retain them for such reasonable period as it thinks fit, and may make copies of such matter as is relevant to the inquiry or take extracts from them.

Witness to be paid expenses

13. (1) Any witness appearing before a Royal Commission shall be paid a reasonable sum for the expenses of his attendance in accordance with the prescribed scale.

(2) In the absence of a prescribed scale, the President or Chairman of the Commission, or the sole Commissioner, may authorise the payment of such sum as he deems reasonable.

Giving false testimony

14. Any witness before a Royal Commission who knowingly gives false testimony touching any matter, material in the inquiry being made by the Commission, shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

Bribery of witness

15. Any person who —
- (a) gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, any property or benefit of any kind to, upon, or for, any person, upon any agreement or understanding that any person called or to be called as a witness before any Royal Commission shall give false testimony or withhold true testimony;
 - (b) attempts by any means to induce a person called or to be called as a witness before any Royal Commission to give false testimony, or to withhold true testimony; or
 - (c) asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, upon any agreement or understanding that any person shall as a witness before any Royal Commission give false testimony or withhold true testimony,

shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

Fraud on witness

16. Any person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness before any Royal Commission with intent to affect the testimony of that person as a witness, shall be guilty of an indictable offence.

Penalty: Imprisonment for two years.

Destroying books or documents

17. Any person who, knowing that any book, document or writing is or may be required in evidence before any Royal Commission, wilfully destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, shall be guilty of an indictable offence.

Penalty: Imprisonment for one year.

Preventing witness from attending

18. Any person who wilfully prevents or wilfully endeavours to prevent any person who has been summoned to attend as a witness before any Royal Commission from attending as a witness or from producing anything in evidence pursuant to the summons to attend shall be guilty of an indictable offence.

Penalty: Imprisonment for one year.

Injury to witness

19. Any person who uses, causes, inflicts, or procures, any violence, punishment, damage, loss, or disadvantage to any person for or on account of his having appeared as a witness before any Royal Commission, or for or on account of any evidence given by him before any Royal Commission, shall be guilty of an indictable offence.

Penalty: 10 penalty units, or imprisonment for six months.

Dismissal by employer of witness

20. (1) Any employer who dismisses any employee from his employment, or prejudices any employee in his employment for or on account of the employee having appeared as a witness before a Royal Commission, or for or on account of the employee having given evidence before a Royal Commission, shall be guilty of an indictable offence.

Penalty: 10 penalty units, or imprisonment for six months.

(2) In any proceeding for any offence against this section it shall lie upon the employer to prove that any employee shown to have been dismissed or prejudiced in his employment was so dismissed or prejudiced for some reason other than the reasons mentioned in subsection (1) of this section.

Contempt of Royal Commission

21. Any person who wilfully insults or disturbs a Royal Commission, or interrupts the proceedings of a Royal Commission, or uses any insulting language towards a Royal Commission, or by writing or speech, uses words false and defamatory of a Royal Commission or is in any manner guilty of any wilful contempt of a Royal Commission, shall be guilty of an offence.

Penalty: 5 penalty units, or imprisonment for one month.

Protection to Commissioners and witnesses

22. (1) Every such Commissioner shall in the exercise of his duty as Commissioner have the same protection and immunity as a Justice of the High Court.

(2) Every witness summoned to attend or appearing before the Commission shall have the same protection, and shall in addition to the penalties provided by this Act be subject to the same liabilities in any civil or criminal proceeding as a witness in any case tried in the Supreme Court.

Regulations

23. (1) The Administrator may make Regulations, not inconsistent with this Act, prescribing all matters and things by which this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing the scale of allowances to be paid to witnesses before a Commission.

NOTES

The *Royal Commissions Act 1928* as shown in this consolidation comprises Act No. 2 of 1928 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Royal Commissions Act 1928</i>	2, 1928	6.7.1928	
<i>Administration Act 1936</i>	14, 1936	16.12.1936	
<i>Ordinances Revision Act 1964</i>	6, 1964	30.6.1964	
[previously consolidated as at 1 January 1965]			
<i>Ordinances Revision (Decimal Currency) Act 1980</i>	31, 1980	15.1.1981	
<i>Statute Law Revision (Penalties and Fees) Act 1984</i>	9, 1985	13.5.85	
<i>Statute Law Revision (Self-Government) No. 5 Act 1991</i>	19, 1991	31.12.91	

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and substituted
 inserted

Provisions affected	How affected
1	am 2, 1963
3	am 19, 1991
4	am 19, 1991
7(1)	am 31, 1980; 9, 1985
8	am 31, 1989; 9, 1985
19	am 31, 1980; 9, 1985
20(1)	am 31, 1980; 9, 1985
21	am 31, 1980; 9, 1985
22(2)	am 14, 1936; 6, 1964
23	am 19, 1991
23(2), (3)	rep 6, 1964

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