



# Royal Commissions Amendment Regulation 2013 (No. 1)

## Select Legislative Instrument No. 54, 2013

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I, Professor Marie Bashir AC CVO, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Royal Commissions Act 1902*.

Dated 11 April 2013

Marie Bashir  
Administrator

By Her Excellency's Command

Julia Gillard  
Prime Minister

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OPC50431 - A



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*No. 54, 2013*

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*OPC50431 - A*



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## **1 Name of regulation**

This regulation is the *Royal Commissions Amendment Regulation 2013 (No. 1)*.

## **2 Commencement**

This regulation commences on the day after it is registered.

## **3 Authority**

This regulation is made under the *Royal Commissions Act 1902*.

## **4 Schedule(s)**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments of the Royal Commissions Regulations 2001

### 1 Regulation 7

Repeal the subregulation, substitute:

#### 7 Witnesses' expenses

- (1) A witness who appears before a Commission in answer to a summons under section 2 of the Act may be paid expenses in accordance with the table of expenses in subregulation (3).
- (2) A witness who appears before a Commission without being summoned under section 2 of the Act to do so may, if the Commission directs, be paid expenses in accordance with the table of expenses in subregulation (3).
- (3) The table of expenses is:

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Expenses		
Item	Witness	Expenses
1	Witness called because of his or her professional, scientific or other special skill or knowledge	\$1,174.90 per day
2	Witness called for any other reason	\$123.90 per day
3	In addition to items 1 and 2, witness remunerated in his or her occupation by wages, salary or fees	The amount lost by his or her attendance
4	In addition to items 1 and 2, witness who resides more than 50 kilometres from the location of the Commission	The sum that an authorised person thinks reasonable for the actual cost of conveyance, together with a reasonable amount for sustenance or maintenance

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- (4) In addition to the table of expenses in subregulation (3):
  - (a) an authorised person may allow the amount that the authorised person thinks reasonable and properly incurred and paid to witnesses for qualifying to give skilled evidence; and

- (b) an authorised person may allow to an expert witness a special fee for attendance at the Commission that is not covered by the items of the table if the witness is acting as an expert in assisting counsel or a solicitor for a period during the trial or hearing; and
  - (c) paragraph (b) does not affect the existing practice of allowing qualifying fees to witnesses.
- (5) In this regulation:

***authorised person*** means:

- (a) the Secretary of the Attorney-General's Department; or
- (b) a person authorised, in writing, by the Secretary of the Attorney-General's Department for the purposes of this regulation.

***Commission*** includes a member of the Commission authorised, in writing, by the President or Chair of the Commission for the purposes of this regulation.