

THE ROYAL COMMISSIONS ORDINANCE OF 1906.⁽¹⁾

No. 4 of 1906.

An Ordinance relating to Royal Commissions.

BE it enacted by the Administrator of the Territory of Papua by and with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as *The Royal Commissions Ordinance of 1906.*⁽¹⁾ Short title.

2. Whenever the Governor-General 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 material to the subject-matter of the enquiry. Power to send for witnesses and documents.

3. 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. Power to examine upon oath.

4.—(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. Affirmation in lieu of oath.

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

5. 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 Penalty for failing to attend or produce documents.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Administrator.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
5.9.1906	(a)	5.9.1906 (<i>Statute Law of Papua, 1888 to 1916, Vol. III, p. 1007</i>)

(a) No notice of non-disallowance has been published in Papua Govt. Gaz.

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attend the Commission or to produce any documents books or writings in his custody or control which he was required by the summons to produce he shall be liable on summary conviction to a penalty not exceeding Fifty pounds or imprisonment for any period not exceeding six months with hard labour.

Penalty for refusing to be sworn or to give evidence.

6. If any person appearing as a witness before the Commission refuses to be sworn or to make an affirmation or to answer any questions put to him by any of the Commissioners touching the subject-matter of the enquiry he shall be liable on summary conviction to a penalty not exceeding Fifty pounds or imprisonment for any period not exceeding six months with hard labour.

Protection to Commissioners.

7.—(1.) Every such Commissioner shall in the exercise of his duty as Commissioner have the same protection and immunity as a justice of the Central Court.⁽²⁾

Protection to and liability of witnesses.

(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 Ordinance be subject to the same liabilities in any civil or criminal proceeding as a witness in any case tried in the Central Court.⁽²⁾

Allowance to witnesses.

8. The Lieutenant-Governor⁽²⁾ or Administrator with the advice of the Executive Council may make regulations⁽³⁾ prescribing a scale of allowances to be paid to any witness summoned under this Ordinance for his travelling expenses and maintenance while absent from his usual place of abode.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(3) See the *Royal Commissions (Witnesses Expenses) Regulations*, printed on p. 2229.