

EVIDENCE.

No. 61 of 1975.

AN ACT to amend the Evidence Act, 1906-1974.

[Assented to 24th October, 1975.]

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 *Evidence Act Amendment Act, 1975.*

Short title
and citation.

(2) In this Act the Evidence Act, 1906-1974 is referred to as the principal Act.

Reprinted as
approved for
reprint 2nd
July, 1971
and amended
by Acts
Nos. 41 of
1971 and
18 of 1974.

(3) The principal Act as amended by this Act may be cited as the Evidence Act, 1906-1975.

Section 119
added.

2. The principal Act is amended by adding before the First Schedule the heading "*Allowances to Witnesses and Interpreters in Specified Proceedings.*" and a section as follows—

Regulations
for fees to
witnesses
and inter-
preters in
specified
proceedings.

119. (1) In this section—

"public official" means a Minister of the Crown, a person employed in the Public Service of the State, a member of the Police Force, or a person employed by a municipality within the meaning of the Local Government Act, 1960 or any other statutory body and includes any person acting as agent of or under the instructions of such a person or body;

"Summary Court" means a Court of Petty Sessions, or a Children's Court established under the Child Welfare Act, 1947.

(2) The Governor may make regulations with respect to fixing and requiring the payment of fees and expenses to—

(a) witnesses called, and interpreters arranged, by the prosecution—

(i) in criminal trials and criminal appeal proceedings in the Supreme Court and in criminal trials in The District Court of Western Australia established under the District Court of Western Australia Act, 1969; and

(ii) in proceedings in a Summary Court against a person charged with an offence on a complaint by a public official acting or

purporting to act by virtue of his office, and in proceedings on appeal therefrom;

and

(b) witnesses and interpreters at inquests held under the Coroners Act, 1920.

(3) The regulations made under this section—

(a) may require that any information or account required to be given or furnished thereunder shall be verified by statutory declaration; and

(b) may confer a discretionary authority.

(4) Where a fee or an allowance required to be paid pursuant to the regulations made under this section is with respect to proceedings of a kind mentioned in subparagraph (ii) of paragraph (a) of subsection (2) of this section in which the complainant was a person employed by a municipality within the meaning of the Local Government Act, 1960, or any other statutory body, or was another person acting as agent of or under the instructions of such a person or body, the fee or allowance shall be paid by that body and shall be recoverable as a civil debt, but in all other cases a fee or allowance required to be paid pursuant to the regulations made under this section shall be paid out of Consolidated Revenue.
