

South Australia

## Summary Procedure (Witness Fees) Regulations 2007

under the *Summary Procedure Act 1921*

---

### Contents

- 1 Short title
- 2 Commencement
- 3 Prosecution witness fees

Schedule 1—Revocation of *Summary Procedure (Witness Fees) Regulations 1992*

Legislative history

---

#### 1—Short title

These regulations may be cited as the *Summary Procedure (Witness Fees) Regulations 2007*.

#### 2—Commencement

These regulations will come into operation on 1 September 2007.

#### 3—Prosecution witness fees

- (1) Subject to this regulation, the following amounts may be certified by a magistrate or justice as payable in respect of a witness for the prosecution (including a witness who attended court but was not called to give evidence):
  - (a) the actual amount lost, or the expenses necessarily incurred, by the witness by reason of his or her absence from home or business for the purpose of attending court or \$100 per day, whichever is the lesser;
  - (b) an allowance for the travelling expenses of the witness in attending court, calculated on the basis of travel by public transport to and from court, or, if the use of public transport by the witness is not reasonably practicable, \$0.20 per kilometre necessarily travelled to and from court;
  - (c) if the witness is necessarily absent from home overnight—the accommodation and meal expenses reasonably incurred by the witness;
  - (d) if the witness is necessarily accompanied by another person—an amount equal to that which could be certified in accordance with these regulations in respect of that other person if he or she were a witness for the prosecution.
- (2) If—
  - (a) the amount lost, or the expenses incurred by the witness exceed the amount determined in accordance with subregulation (1)(a); or

- (b) the travelling expenses incurred by the witness exceed the amount determined in accordance with subregulation (1)(b),

the amount certified may include such further amount as the magistrate or justice thinks just and reasonable in the circumstances.

- (3) No amount is to be certified in respect of a witness who is an officer or employee of the State or Commonwealth, including a police officer but excluding an officer or employee who is on leave during the period of attendance at court.

### **Schedule 1—Revocation of *Summary Procedure (Witness Fees) Regulations 1992***

The *Summary Procedure (Witness Fees) Regulations 1992* are revoked.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2007	221	<i>Gazette 30.8.2007 p3553</i>	1.9.2007: r 2