

South Australia

Summary Procedure (Witness Fees) Regulations 2007

under the *Summary Procedure Act 1921*

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

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.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 30 August 2007

No 221 of 2007

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