
COMMONWEALTH PUBLIC WORKS COMMITTEE.

No. 20 of 1913.

An Act to provide for the establishment of a
Parliamentary Standing Committee on Public
Works and for other purposes.

[Assented to 19th December, 1913.]

BE it enacted by the King's Most Excellent Majesty, the Senate,
and the House of Representatives of the Commonwealth of
Australia, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Commonwealth Public Works Committee Act 1913*. Short title.

2. This Act is divided into Parts as follows:—

Parts.

Part I.—Preliminary.

Part II.—Parliamentary Standing Committee on Public
Works.

Part III.—Powers of the Committee.

Part IV.—Sectional Committees.

Part V.—Remuneration of Committee.

PART II.—PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS.

Constitution of
Committee.

Cf. Vict.
No. 1899, s. 2.

3.—(1.) As soon as conveniently practicable after the commencement of this Act, and thereafter at the commencement of the first session of every Parliament, a Joint Committee of nine members of Parliament, to be called the Parliamentary Standing Committee on Public Works (in this Act referred to as “the Committee”), shall be appointed according to the practice of the Parliament with reference to the appointment of members to serve on Joint Select Committees of both Houses of the Parliament.

(2.) Three of the members of the Committee shall be members of and appointed by the Senate, and six of the members of the Committee shall be members of and appointed by the House of Representatives.

(3.) No Minister of State shall be a member of the Committee. No President of the Senate, Speaker of the House of Representatives, or Chairman of Committees of either House of Parliament shall be a member of the Committee.

(4.) The members of the Committee shall hold office as a Joint Committee for the duration of the Parliament for the time being, but shall cease to hold office as soon as the House of Representatives expires by dissolution or effluxion of time; and shall have and may exercise such powers and authorities, perform such duties, and be liable to such obligations as are by this Act vested in or imposed upon the Committee.

Declaration to
be subscribed by
members.

Cf. N.S.W.,
1912, No. 45,
s. 16.

4. Every member of the Committee, before entering on the duties of his office or sitting at any meeting of the Committee, shall make and subscribe a declaration in Form A in the Schedule.

Resignation.

Cf. N.S.W.,
ib. s. 11,
Vict. No. 1177,
s. 4.

5.—(1.) Any member of the Committee may resign his seat on the Committee by writing under his hand addressed to the President of the Senate if he be a Senator, or to the Speaker of the House of Representatives if he be a Member of the House of Representatives.

(2.) The seat of any member of the Committee shall also be deemed to have become vacant if he ceases to be a member of the Senate or the House of Representatives (as the case may be).

Vacancies.

Cf. N.S.W.,
ib. s. 12.

6. Where a vacancy occurs in the Committee, it shall be filled by appointment as aforesaid within thirty days from the happening of the vacancy if the Parliament is then in session, and, if not, within thirty days after the next meeting of the Parliament.

Quorum.

Cf. N.S.W.,
ib. s. 13,
Vict. No. 1399,
s. 3.

Chairman and
vice-chairman.

Cf. N.S.W.,
ib. s. 14,
Vict. No. 1177
s. 5.

7. Any five members of the Committee shall form a quorum competent to exercise all powers and authorities and to incur all obligations conferred or imposed by this Act upon the Committee.

8. There shall be a chairman and vice-chairman of the Committee, who shall be elected by the members of the Committee at their first meeting, or as soon thereafter as is practicable. The chairman, or in case of his absence or other disability the vice-chairman, shall preside at all meetings of the Committee:

Provided that at any meeting of the Committee at which a quorum is present, the members in attendance may, in the absence of the chairman and vice-chairman, appoint one of their number then present to be temporary chairman, and the temporary chairman shall have, during the absence of the chairman and vice-chairman, all the powers given by this Act to the chairman or vice-chairman.

9.—(1.) All questions which arise in the Committee or a Sectional Committee shall be decided by a majority of votes of the members present, and when the votes are equal the chairman shall have a second or casting vote.

Division, casting vote.
Cf. N.S.W. 1912, No. 45, s. 15.
Vict. No. 1177, s. 5.

(2.) In all cases of divisions the names of the persons voting shall be stated on the minutes and in the report.

10. The Committee or a Sectional Committee may sit and transact business during any adjournment or recess as well as during the session, and may sit at such times and in such places, and conduct their proceedings in such manner, as they deem proper, and shall sit in open court:

Power to sit during recess and in open court.
Cf. N.S.W. ib. s. 17.
Vict. ib. s. 2.

Provided that the Committee or a Sectional Committee shall not hold any meeting whilst either House of the Parliament is actually sitting, except by leave of that House.

11. The Committee shall, before the commencement of each session of the Parliament, make a report to the Governor-General of their proceedings under this Act; and the report shall be laid before both Houses of the Parliament within fourteen days after the making thereof, if the Parliament is then sitting, and if not, then within fourteen days after the commencement of the next session.

Reports.
Cf. N.S.W. ib. s. 18.
Vict. ib. s. 18.

12. The Committee shall keep full minutes of their proceedings in such manner as the Governor-General directs.

Minutes.
Cf. N.S.W. ib. s. 19.
Vict. ib. s. 9.

13. Where any public work is referred to any Committee, and the Committee lapses or ceases to have legal existence before it reports thereon, the evidence taken before the Committee and before any Sectional Committee shall, nevertheless, be considered by any subsequent Committee to which the same public work is referred for report, as if it had been given before the subsequent Committee.

Evidence taken before previous Committees.
Cf. N.S.W. ib. s. 20.
Vict. ib. s. 17.

PART III.—POWERS OF THE COMMITTEE.

14.—(1.) The Committee shall, subject to the provisions of this Act, consider and report upon every public work (except any work already authorized by Parliament or which is authorized during the present session, and except works for the naval or military defence of the Commonwealth exempted by Order in Council from the operation of the Act) to be executed after the passing of this Act (and whether such work is a continuation, completion, repair, reconstruction, extension, or new work) in all cases where the estimated cost of completing the work exceeds Twenty-five thousand pounds.

Functions of Committee.
N.S.W. ib. s. 24.
Vict. ib. s. 12.

(2.) In considering and reporting on any work, the Committee shall have regard to—

(a) the stated purpose thereof ;

(b) the necessity or advisability of carrying it out ; and where the work purports to be of a reproductive or revenue-producing character, the amount of revenue which it may reasonably be expected to produce ; and

(c) the present and prospective public value of the work ; and generally the Committee shall in all cases take such measures and procure such information as may enable them to inform or satisfy the Parliament as to the expedience of carrying out the work.

Conditions
precedent to
commencing
public works.
Of N.S.W.
1912, No. 45,
s. 31.
Vick. No. 1177,
s. 13.

15.—(1.) No public work of any kind whatsoever (except such works as have already been authorized by Parliament or which are authorized during the present session, and except works for the naval or military defence of the Commonwealth exempted by Order in Council from the operation of the Act) the estimated cost of completing which exceeds Twenty-five thousand pounds, and whether such work is a continuation, completion, repair, re-construction, extension, or a new work, shall be commenced unless sanctioned as in this section provided.

(2.) Every such proposed work shall in the first place be submitted and explained in the House of Representatives by a Minister of State, in this section referred to as “the Minister.”

(3.) The explanation shall comprise an estimate of the cost of the work when completed, together with such plans and specifications or other descriptions as the Minister deems proper, together with the prescribed reports on the probable cost of construction and maintenance, and estimates of the probable revenue (if any) to be derived therefrom, such estimates, plans, specifications, descriptions, and reports to be authenticated or verified in the prescribed manner.

(4.) Upon motion made in the usual manner by the Minister or by any member of the House of Representatives the proposed work shall be referred to the Committee for their report thereon.

(5.) The Committee shall with all convenient despatch deal with the matter, and shall, as soon as conveniently practicable, regard being had to the nature and importance of the proposed work, report to the House of Representatives the result of their inquiries.

(6.) After the receipt of the report of the Committee, the House of Representatives shall by resolution declare, either that it is expedient to carry out the proposed work, or that it is not expedient to carry it out:

Provided that the House of Representatives may, instead of declaring affirmatively or negatively as aforesaid, resolve that the report of the Committee shall, for reasons or purposes stated in the resolution, be remitted for their further consideration and

report to the Committee; in which case the Committee shall consider the matter of the new reference, and report thereon accordingly.

16. If the resolution of the House of Representatives declares that it is not expedient to carry out any proposed work, no proposal for a public work in substance identical with that work shall be submitted to the House of Representatives until after the expiration of one year from the date of the resolution unless the Governor-General, by writing under his hand addressed to the Committee, declares that in his opinion, and in view of the public interest, it is desirable that any such proposal should be re-submitted to the House of Representatives.

Circumstances under which negative proposals may be re-submitted.
N.S.W. 1912, No. 45, s. 36;
Vict. No. 1177, s. 15.

17.—(1.) The Committee or a Sectional Committee may summon witnesses to appear before it to give evidence and produce documents.

Power to summon witnesses.
Cf. N.S.W., 1901, No. 43, s. 4.
Vict. No. 1177, s. 10.

(2.) A summons to a witness may be in accordance with Form B in the Schedule, and shall be signed by the Chairman or Vice-Chairman.

(3.) A summons to a witness may be served upon the witness either personally or by being left at or sent by post to his usual place of business or of abode.

18.—(1.) If any witness, upon whom a summons under this Act has been served after the tender of prescribed expenses, fails to appear or to continue in attendance in obedience to the summons, the Chairman or Vice-Chairman may issue a warrant for his apprehension.

Warrant in case of disobedience of summons.
Vict. ib. s. 10(6).

(2.) The warrant may be in accordance with Form C in the Schedule, and shall authorize the apprehension of the witness, and his being brought before the Committee to give evidence, and his detention in custody for that purpose until he is released by order of the Chairman or Vice-Chairman.

(3.) The warrant may be executed by the person to whom it is addressed or by any person whom he appoints to assist him in its execution, and the person executing the warrant shall have power to break and enter any building, place, or ship for the purpose of executing it.

19. If any witness, upon whom a summons under this Act has been served, fails, without reasonable excuse (proof whereof shall lie upon him), to appear or to continue in attendance in obedience to the summons, he shall be guilty of an offence.

Penalty for disobedience of summons.

20. Whoever, by act or omission, knowingly dissuades or prevents any witness from obeying a summons under this Act, shall be guilty of an offence.

Preventing witnesses from giving evidence.

21.—(1.) The Committee or a Sectional Committee may take evidence on oath or affirmation, and the Chairman may administer oaths or affirmations to witnesses appearing before the Committee or Sectional Committee.

Power to take evidence on oath or affirmation.
Cf. N.S.W. ib. s. 10.
Vict. ib. s. 10(4).

(2.) The oath or affirmation administered to a witness may be in accordance with Form D or E in the Schedule, as the case requires.

(3.) A witness who objects to take an oath shall not be compelled to take an oath, but may be compelled to make an affirmation.

Penalty for
refusing to be
sworn, &c.

Vict. No. 1177,
s. 10 (5).

22. If any witness refuses, without just cause (proof whereof shall lie upon him), to be sworn or make an affirmation, or to answer any question put to him by the Committee or a Sectional Committee, or by any member thereof, or to produce any document which he is required by the Committee or Sectional Committee to produce, he shall be guilty of an offence.

Taking of
evidence in
private.

Cf. 1904, No. 13,
s. 85.

23.—(1.) If a witness appearing before the Committee or a Sectional Committee so requests, any evidence given by him relating to a professional or trade secret, or to the profits or financial position, of himself or of any person, shall be taken by the Committee or Sectional Committee, in private, and shall not be disclosed or published without the consent of the person entitled to the non-disclosure.

(2.) Any person who discloses or publishes any evidence in contravention of this section shall be guilty of an offence.

Penalty : Five hundred pounds or three months' imprisonment.

Privileges of
witnesses.

Cf. 1902, No. 13,
s. 7.

24. Every witness summoned to appear or appearing before the Committee or a Sectional Committee shall have the same protection and privilege as a witness in a case tried in the High Court.

False evidence.

Cf. N.S.W.
1901, No. 48,
s. 13.

Vict. ih. s. 10 (5).

25. Any person who wilfully gives false evidence on oath or affirmation before the Committee or a Sectional Committee shall be guilty of an indictable offence.

Penalty : Five years' imprisonment.

Protection to
witnesses.

26. Whoever uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage to any person for or on account of his having appeared as a witness before the Committee or a Sectional Committee, or for or on account of any evidence lawfully given by him before the Committee or a Sectional Committee, shall be guilty of an offence.

Witnesses'
expenses.

27. Every witness appearing before the Committee or a Sectional Committee to give evidence shall be entitled to be paid such witness fees and travelling expenses as the Chairman or Vice-Chairman thinks fit to allow in accordance with a scale prescribed by the Governor-General.

Offences triable
on indictment
or summarily.

28. Offences against this Act, not declared to be indictable offences, shall be triable on indictment or by a court of summary jurisdiction.

29.—(1.) Proceedings for offences against this Act shall be instituted only by the Attorney-General or by his direction.

Proceedings to be instituted by Attorney-General only.

(2.) The Attorney-General or person acting under his direction may in respect of any offence other than an offence declared to be an indictable offence institute proceedings for the summary conviction of the accused or for his commitment for trial on indictment as the Attorney-General thinks fit.

30. A person convicted of an offence against this Act shall, if no higher penalty is provided, be punishable as follows:—

Punishment of offenders.

(a) If convicted on indictment, by imprisonment not exceeding one year or by a penalty not exceeding Two hundred pounds:

(b) If convicted by a court of summary jurisdiction, by imprisonment not exceeding six months or by a penalty not exceeding One hundred pounds.

31. The Committee, or a Sectional Committee, may, by themselves or by any person appointed by them to prosecute an inquiry, enter and inspect any land, building, place, or material, the entry or inspection of which appears to them requisite, upon the prescribed notice being given to the owners or occupiers of such land, building, place, or material.

Power to enter on land, &c.
Of. N.S.W.
No. 45, 1912,
s. 21 (a);
Vict. No. 1177,
s. 10 (1).

32.—(1.) The Committee, or a Sectional Committee, may, in the exercise of any power by this Act conferred upon them, call in the aid of one or more assessors who shall be persons of engineering or other technical knowledge, or possessing special local knowledge or experience.

Assessors.
Of. N.S.W.
ib. s. 23; Vict.
ib. s. 11.

(2.) There shall be paid to such assessors such remuneration as the chairman or vice-chairman thinks fit to allow in accordance with a scale prescribed by the Governor-General.

PART IV.—SECTIONAL COMMITTEES.

33.—(1.) The Committee may at any meeting constitute Sectional Committees of itself for all purposes of this Act by appointing three or more of its members to be a Sectional Committee.

Sectional Committees may be appointed.
N.S.W. ib. s. 25.

(2.) Every Sectional Committee shall have, and may exercise for the purpose of carrying out any business or inquiry delegated to them by the Committee either at or after the time of their appointment, all the powers by this Act conferred on the Committee, and shall sit in open Court.

(3.) Every Sectional Committee shall appoint a chairman or temporary chairman, who shall be the person to exercise the powers conferred by the Act on, or in the name of, the chairman or vice-chairman of the Committee.

34. Every Sectional Committee shall make its report as soon as practicable to the Committee, in respect to all matters delegated to it by the Committee; and the report, together with any evidence taken by the Sectional Committee, shall be dealt with by the Committee in all respects, so far as possible, as reports of Select Committees are dealt with by the House of Representatives.

Reports of Sectional Committee.
N.S.W. ib. s. 27.

Limit of number
of Sectional
Committees, &c.
N.S.W., No. 45,
1912, s. 28.

35. Not more than two Sectional Committees shall be appointed or shall sit at the same time; but the Committee may sit at any time, notwithstanding that any such Sectional Committee may be sitting at the same time.

PART V.—REMUNERATION OF COMMITTEE.

Fees for
attendance.
N.S.W., ib., s.
29; cf. Vict. No.
1579, s. 3.

36. The members of every Committee shall each receive, by way of remuneration for their services as such members, a fee for each attendance at a summoned meeting of the Committee at which a quorum was present, or of a Sectional Committee, according to the following scale:—

(a) The Chairman, or member presiding at any meeting in his absence, Two pounds for each sitting;

(b) Every other member, One pound ten shillings for each sitting.

Fees to be a
charge on
Consolidated
Revenue Fund.
Cf. N.S.W.,
ib. ss. 30, 31 (2);
Vict. No. 1899,
s. 5; No. 2131,
s. 5.

37. The fees for attendance and sums for expenses made payable under this Part of this Act shall be payable upon the certificate of the Chairman or Vice-Chairman of the Committee and shall be charged on and paid out of the Consolidated Revenue Fund, which is hereby appropriated accordingly.

Travelling
expenses.
Cf. N.S.W.,
ib. s. 31; Vict.
No. 1230, s. 5.

38. In addition to the sum payable to every member of the Committee as a fee for attendance each member shall be paid a further sum of One pound per diem on account of expenses incurred by him in and in the course of travelling, whether by land or water, whenever such expenses have been incurred *bonâ fide* in the performance of his duties as a member of the Committee, and such sums as may be necessary to pay the cost of conveyance on land of each member by any means other than by rail.

Proviso limiting
total of fees
and sums for
expenses.
N.S.W., ib. s. 32.
Vict. No. 1899,
s. 5, as amended
by No. 2131, s. 5.

39.—(1.) Notwithstanding the preceding provisions of this Part, the total amount chargeable on and payable out of the Consolidated Revenue Fund under this Part shall not, during any financial year, exceed Two thousand pounds.

(2.) Where in any financial year the said amount of Two thousand pounds would, but for sub-section (1.) of this section, be exceeded, a proportionate abatement shall be made in the fees and sums payable to members of the Committee respectively, so as to reduce the amount so payable to the above-mentioned sum of Two thousand pounds.

(3.) The Treasurer shall adjust the payments to the Committee so as to carry out the provisions of this section.

Gazetted.

40. The names of the members of the Public Works Committee shall be published in the *Government Gazette*.

THE SCHEDULE.

FORM A.

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Public Works Committee Act 1913.

DECLARATION BY MEMBERS.

I, A.B., do solemnly and sincerely promise and declare that, according to the best of my skill and ability, I will faithfully, impartially, and truly execute the office and perform the duties of a member of the Parliamentary Standing Committee on Public Works.

[A.B.]

FORM B.

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Public Works Committee Act 1913.

SUMMONS TO A WITNESS.

To [here insert name, address, and occupation of witness].
You are hereby summoned to appear before the Standing Parliamentary Committee on Public Works [or before a Sectional Committee of the Parliamentary Standing Committee on Public Works, as the case may be] on the day of 19 , at o'clock in the noon, at [here insert place], then and there to give evidence and then and there to produce [here specify the documents required] : and you are required to continue in attendance as directed by the said Committee or the Chairman thereof, until your attendance is no longer required.

Dated the day of 19 .

[Chairman or Vice-Chairman of the Committee, or
Chairman of the Sectional Committee.]

FORM C.

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Public Works Committee Act 1913.

WARRANT FOR THE APPREHENSION OF A WITNESS WHO HAS DISOBEYED A SUMMONS.

WHEREAS [here insert name, address, and occupation of witness] has been summoned to appear before the Standing Parliamentary Committee on Public Works [or a Sectional Committee of the Standing Parliamentary Committee on Public Works, as the case may be], but has failed to appear in obedience to the summons : These are therefore to command and authorize you to forthwith apprehend the said [here insert name of witness] and to bring him before the said Committee to give evidence and to detain him in custody for that purpose until he is released by order of the Chairman.

Given at the day of 19 .

[Chairman.]

To [here insert description of persons to whom it is addressed].

FORM D.

OATH TO WITNESS.

The evidence you shall give on this examination shall be the truth, the whole truth, and nothing but the truth. So help you God !

FORM E.

AFFIRMATION TO WITNESS.

You do solemnly and sincerely affirm and declare that the evidence you shall give on this examination shall be the truth, the whole truth, and nothing but the truth.