

1914-15.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 18th August, 1915.

(Brought in by the Prime Minister, the Right Hon. A. Fisher.)

A BILL FOR AN ACT

To amend the Committee of Public Accounts Act 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:—

1.—(1.) This Act may be cited as the Committee of Public Accounts Act 1915. Short title and citation.

(2.) The Committee of Public Accounts Act 1913 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the Committee of Public Accounts Act 1913-1915.

2. After section two of the Principal Act the following sections are inserted:—

2A. 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: Chairman and vice-chairman. 1913, No. 20, s. 8.

Provided

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. 5

Division, casting
vote.
1913, No. 20,
s. 9.

“2B.—(1.) All questions which arise in the 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. 10

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

3. After section four of the Principal Act the following sections are inserted:— 15

Power to
summon
witnesses.
1913, No. 20,
s. 17.

“4A.—(1.) The Committee may summon witnesses to appear before it to give evidence and produce documents.

“(2.) A summons to a witness may be in accordance with Form A 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. 20

Warrant in
case of dis-
obedience of
summons.
1913, No. 20,
s. 18.

“4B.—(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. 25

“(2.) The warrant may be in accordance with Form B 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. 30

“(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. 35

Penalty for
disobedience of
summons.
1913, No. 20,
s. 19.

“4C. 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. 40

Preventing
witnesses from
giving evidence.
1913, No. 20,
s. 20.

“4D. Whoever, by act or omission, knowingly dissuades or prevents any witness from obeying a summons under this Act, shall be guilty of an offence.”

4. Section

1915.

Committee of Public Accounts.

No.

3

4. Section five of the Principal Act is amended by adding thereto the following sub-sections :—

5 “(2.) The oath or affirmation administered to a witness may be in accordance with Form U or D 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.”

5. After section five of the Principal Act the following sections are inserted :—

10 “5A. 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 by any member thereof, or to produce any document which he is required by the Committee to produce, he shall be guilty of an offence.

Penalty for refusing to be sworn, &c.
1913, No. 20,
s. 22.

15 “5B. Every witness summoned to appear or appearing before the Committee shall have the same protection and privilege as a witness in a case tried in the High Court.”

Privileges of witnesses.
1913, No. 20,
s. 24.

6. After section six of the Principal Act the following sections are inserted :—

20 “6A. 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 for or on account of any evidence lawfully given by him before the Committee, shall be guilty of an offence.

Protection to witnesses.
1913, No. 20,
s. 26.

25 “6B. Every witness appearing before the 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.

Witnesses' expenses.
1913, No. 20,
s. 27.

30 “6C. Offences against this Act, not declared to be indictable offences, shall be triable on indictment or by a court of summary jurisdiction.

Offences triable on indictment or summarily.
1913, No. 20,
s. 28.

“6D.—(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.

35 “(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.

1913, No. 20,
s. 29.

40 “6E. A person convicted of an offence against this Act shall, if no higher penalty is provided, be punishable as follows :—

Punishment of offenders.
1913, No. 20,
s. 30.

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

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

7. After

7. After section seven of the Principal Act the following sections are inserted :—

Fees for attendance.
1913, No. 20,
s. 36.

“8. 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, according to the following scale :— 5

(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. 10

Fees to be a charge on Consolidated Revenue Fund.
1913, No. 20,
s. 37.

“9. The fees for attendance and sums for expenses made payable to members of the Committee under 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. 15

Travelling expenses.
1913, No. 20,
s. 38.

“10. 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. 20

Limitation of annual expenditure.
1913, No. 20,
s. 39.

“11.—(1.) Notwithstanding the provisions of the sections eight, nine, and ten of this Act, the total amount chargeable on and payable out of the Consolidated Revenue Fund under those sections shall not, during any financial year, exceed Two thousand pounds. 25

“(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, so as to reduce the amount so payable to the above-mentioned sum of Two thousand pounds. 30

“(3.) The Treasurer shall adjust the payments to the Committee so as to carry out the provisions of this section.” 35

THE SCHEDULE.

FORM A.

COMMONWEALTH OF AUSTRALIA.

The Committee of Public Accounts Act 1913-1915.

SUMMONS TO A WITNESS.

To [here insert name, address, and occupation of witness].

You are hereby summoned to appear before the Joint Committee on Public Accounts 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.]

FORM B.

