

THE SCHEDULE—*continued.*

22. In the event of any disagreement between the Commonwealth and the Oil Company as to the meaning of any clause hereof or touching any matter arising out of the same or connected therewith (other than the purchase price to be paid by the Commonwealth for any interest or holding of the Oil Company in the Refinery Company) the matter in dispute shall be referred to one arbitrator mutually selected or failing mutual selection shall be determined by arbitration under the *Arbitration Act 1915* of the State of Victoria or any amendment thereof for the time being in force.

In witness whereof the parties hereto have executed these presents the day and year first above-mentioned.

Signed sealed and delivered by William
Morris Hughes the Prime Minister
of the Commonwealth of Australia
for and on behalf of the said Com-
monwealth in the presence of—

W. M. HUGHES (L.S.)

R. R. GARRAN.

Signed sealed and delivered by Major
Walter Loraine Wilberforce Bird
the Attorney under Power of the
Anglo - Persian Oil Company
Limited for and on behalf of the
said Company in the presence of—

W. L. W. BIRD (LS)

T. J. GREENWAY.

COMMITTEE OF PUBLIC ACCOUNTS.

No. 14 of 1920.

An Act to amend the *Committee of Public Accounts Act 1913* and for other purposes.

[Assented to 29th May, 1920.]

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

Short title and
citation.

1.—(1.) This Act may be cited as the *Committee of Public Accounts Act 1920*.

(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 1913-1920*.

2. Section two of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words "As soon as conveniently practicable after the commencement of this Act, and thereafter";
- (b) by omitting from that sub-section the word "nine" and inserting in its stead the word "ten"; and
- (c) by omitting from sub-section (2.) the word "six" and inserting in its stead the word "seven".

Joint
Committee of
Public
Accounts.

3. 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 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.

"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.

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

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

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

"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.

"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.

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

"(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.

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

“(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.

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.

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.”

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

Administration of oath, &c.

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

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

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

“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.

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

“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.”

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

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

“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.

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

“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.

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

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

“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.
1913, No. 20, s. 29.

“(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.

“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 :

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

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

“8. For attendance at a meeting of the Committee, or while travelling on the business of the Committee, expenses shall be allowed as follows :—

Expenses.

(a) Thirty shillings per diem for the Chairman, or member presiding at any meeting in his absence ; and

(b) Twenty-five shillings per diem for every other member.”

“9. The 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.

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

“10.—(1.) Notwithstanding the provisions of the sections eight and nine 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.

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

“(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.

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

9. Notwithstanding anything contained in the *Committee of Public Accounts Act 1913-1920* the tenth member of the Joint Committee of Public Accounts appointed for the term of the Eighth Parliament of the Commonwealth may be appointed as soon as conveniently practicable after the commencement of this Act.

Appointment of tenth member of Committee appointed for term of Eighth Parliament.

THE SCHEDULE.

FORM A.

COMMONWEALTH OF AUSTRALIA.

The *Committee of Public Accounts Act 1913-1920.*

SUMMONS TO A WITNESS.

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

You are hereby summoned to appear before the Joint Committee of 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.

COMMONWEALTH OF AUSTRALIA.

The *Committee of Public Accounts Act 1913-1920.*

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 Joint Committee of Public Accounts, 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 C.

OATH TO WITNESS.

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

FORM D.

AFFIRMATION TO WITNESS.

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