

# THE PUBLIC WORKS COMMITTEE ACT, 1914.

## ANALYSIS.

### PART I.—PRELIMINARY.

1. Short title.
2. Parts.

### PART II.—PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS.

3. Constitution of Parliamentary Committee on Public Works.  
Term of office.  
Names of members to be notified.
4. Vacancies.  
How filled.
5. Quorum.
6. Chairman and Vice-Chairman.  
Provision for absence of Chairman and Vice-Chairman.
7. Secretary of the Committee.
8. Division—Deliberative vote.  
Record of votes.
9. Power to sit during recess and with open doors.
10. Reports.
11. Minutes.
12. Evidence taken before previous Committees.

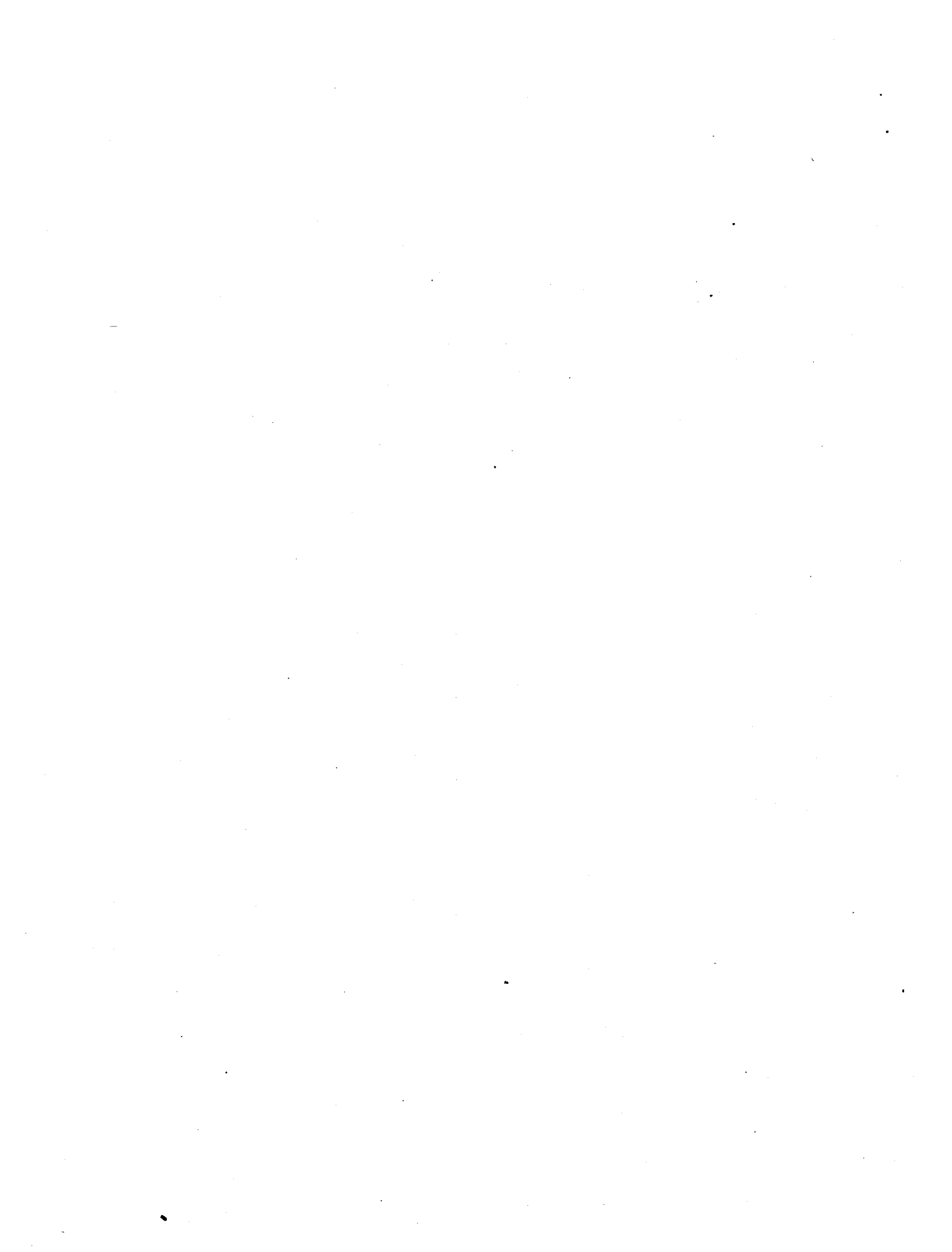
### PART III.—POWERS OF THE COMMITTEE.

13. Power to enter land, &c.
14. Power to summons witnesses.
15. Functions of Committee.

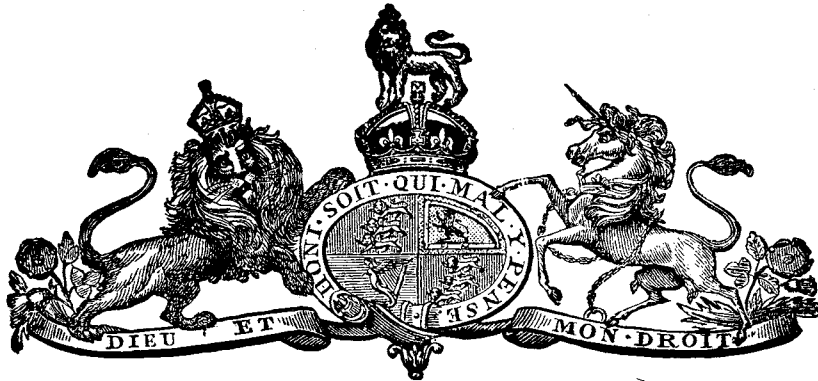
16. Conditions precedent to commencing public works.
17. House of Assembly may extend Act to works to cost less than £5000.
18. Under what circumstances negatived proposals may be resubmitted.
19. Warrant in case of disobedience to summons.
20. Penalty for disobedience to summons.
21. Preventing witnesses from giving evidence.
22. Power to take evidence.
23. Penalty for refusing to be sworn, &c.
24. Taking of evidence in private.
25. Privileges of witnesses.
26. Protection to witnesses.
27. Witnesses' expenses.
28. Offences.
29. Proceedings to be instituted by Attorney-General only.
30. Punishment of offenders.
31. Assessors.  
Remuneration of assessors.

### PART IV.—REMUNERATION OF COMMITTEE.

32. Fees to be paid to members of Committee.
33. Fees to be a charge on Consolidated Revenue Fund.
34. Travelling expenses.
35. Office of profit.



TASMANIA



1914.

ANNO QUINTO

GEORGII V. REGIS.

No. 32.

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AN ACT to provide for the Establishment of <sup>A.D.</sup> 1914  
a Parliamentary Standing Committee on  
Public Works. [6 February, 1915.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

**1** This Act may be cited as "The Public Works Committee Short title. Act, 1914."

**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.—Remuneration of Committee.

*Public Works Committee.*

A.D. 1914.

## PART II.

## PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS.

Constitution of  
Parliamentary  
Committee on  
Public Works.  
Cf. Com., 1913,  
No. 20, s. 3.  
Vic., No. 1899,  
s. 2.

**3**—(1) At the commencement of the First Session of every Parliament, a Joint Committee of members of the Legislative Council and House of Assembly, 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 regulating the selection of members to serve on Select Committees of the said Council and Assembly respectively. Provided that the members of the First Joint Committee may be appointed by Resolutions of the Legislative Council and the House of Assembly respectively during the Session of 1914-15.

(2) Two of the persons so to be appointed shall be members of the Legislative Council, and Three shall be members of the House of Assembly.

(3) Ministers of the Crown, the President and Chairman of Committees of the Legislative Council, and the Speaker and Chairman of Committees of the House of Assembly, shall not be appointed or continue as Members of the Committee.

Term of office.

(4) Such Five persons shall hold office as a Joint Committee (subject to the provisions in the next following section contained), for the duration of the House of Assembly for the time being, but shall cease to hold office as soon as such Assembly 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 such Committee.

Names of members to be notified.

(5) The names of the persons from time to time appointed to be members of such Committee shall be notified in the “Gazette” with all convenient dispatch.

Vacancies.

**4**—(1) Any member of the Committee may resign his seat on such Committee, by writing under his hand, addressed to the Governor. The seat of any such member shall also be deemed to have become vacant for any reason which would vacate his seat as a member of the Council or Assembly (as the case may be).

How filled.

(2) 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 Parliament is then in Session; and, if not, the Governor shall appoint a person to hold the place until the expiration of Fourteen days after the next meeting of Parliament.

Quorum.  
Cf., Com., *ib.*, s. 7.  
N.S.W., *ib.*, s. 13.  
Vic., *ib.*, s. 3.

**5** Any Three 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, but any reports and recommendations to Parliament must be approved by a majority of the whole Committee.

*Public Works Committee.*

- 6** 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.
- 7** The Governor shall appoint, on the joint recommendation of the President of the Legislative Council and the Speaker of the House of Assembly, a secretary of the Committee from amongst the Officers of the Two Houses of Parliament, who shall perform all duties required of him by the Committee as such secretary, and shall receive such salary and remuneration as the Governor may approve.
- 8**—(1) The Chairman of the Committee shall have a deliberative vote only. When the votes are equal the question shall pass in the negative.
- (2) In all cases of divisions, the names of the persons voting shall be stated in the minutes and in the report.
- 9** The Committee may sit and transact business during any adjournment or recess, and may sit at such times and in such places, and conduct their proceedings in such manner, as they may deem proper, and such Committee shall sit with open doors.
- 10** The Committee shall, before the commencement of each Session of Parliament, make a report to the Governor of their proceedings under this Act; and such report shall be laid before both Houses of Parliament within Fourteen days after the making thereof, if Parliament is then sitting, and, if not, then within Fourteen days after the commencement of the next Session.
- 11** The Committee shall keep full minutes of their proceedings in such manner as the Governor directs.
- 12** Where any public work is referred to any Committee, and such Committee lapses or ceases to have legal existence before it reports on such public work, the evidence taken before such Committee shall, nevertheless, be considered by any subsequent Committee to whom the public work may be referred for report pursuant to this Act as if such evidence had been given before and for the information and guidance of such subsequent Committee.

A.D. 1914.

Chairman and Vice-Chairman.

Provision for absence of Chairman and Vice-Chairman.

Secretary of the Committee.

Division—Deliberative vote.

Record of votes.

Power to sit during recess and with open doors.

Reports.

Minutes.

Evidence taken before previous Committees. Cf., N.S.W., *ib.*, s. 20. Vic., *ib.*, s. 17. Com., *ib.*, s. 13.

*Public Works Committee.*

A.D. 1914.

## PART III.

## POWERS OF THE COMMITTEE.

Power to enter  
land, &c.

**13** The Committee may, by themselves or by any person appointed by them to prosecute any 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 sum-  
mon witnesses.

**14**—(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 abode.

Functions of  
Committee.  
Com., *ib.*, s. 14.  
N.S.W., *ib.*, s. 24.  
Vic., *ib.*, s. 12.

**15**—(1) The Committee shall, subject to the provisions of this Act, consider and report upon every proposed public work for which Parliamentary authority is required (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 Five thousand Pounds.

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

i. The stated purpose thereof:

ii. 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

iii. 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 Parliament as to the expedience of carrying out the work.

Conditions  
precedent to  
commencing  
public works.  
Cf., Com., *ib.*,  
s. 15.  
N.S.W., 1912,  
No. 45, s. 34.  
Vic., No. 1177,  
s. 13.

**16**—(1) No public work of any kind whatever (except such works as have already been authorised by Parliament), the estimated cost of completing which exceeds Five thousand Pounds, and whether such work is a continuation, completion, repair, reconstruction, extension, or new work, shall be commenced unless sanctioned as in this section provided.

(2) Prior to the submission to Parliament of any such proposed public work, the Governor shall by writing under his hand addressed to the Committee refer every such proposed work to the Committee for their report thereon.

*Public Works Committee.*

(3) With every such reference to the Committee there shall be furnished to the Committee an estimate of the cost of such work when completed, together with such plans and specifications or other descriptions as the Minister of Lands and Works for the time being deems proper, together with the prescribed reports on the probable cost of construction and maintenance, and an estimate 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. A.D. 1914.

(4) The Committee shall, with all convenient dispatch, 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 Assembly, if the House of Assembly is then in Session, and, if not, to the Governor, the result of their enquiries.

(5) After the receipt of such report, the House of Assembly 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 Assembly 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 said Committee; in which case the Committee shall consider the matter of the new reference and report thereon accordingly.

**17** The House of Assembly may by resolution, with respect to any public work the estimated cost of which does not exceed Five thousand Pounds, direct that the same shall be referred to the Committee, in which case all the powers and provisions of this Act shall be applicable to such work. House of Assembly may extend Act to works to cost less than £5000.

**18** If the resolution of the House of Assembly 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 Assembly until after the expiration of One year from the date of the resolution, unless the Governor, 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 Assembly. Under what circumstances negatived proposals may be resubmitted. Cf., Com., *ib.*, s. 16. N.S.W., 1912, No. 45, s. 36. Vic., No. 1177, s. 15.

**19**—(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 to summons. Com., *ib.*, s. 18. Vic., *ib.*, s. 10(6).

(2) The warrant may be in accordance with Form B in the Schedule, and shall authorise 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.

*Public Works Committee.*

A.D. 1914.

(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 to summons.

**20** 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 against this Act.

Preventing witnesses from giving evidence.

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

Power to take evidence.

**22**—(1) The Committee may examine witnesses upon their solemn declaration, and such examination shall be conducted in accordance with the Standing Orders of the House of Assembly in the case of Select Committees.

(2) Sections Twenty-three and Twenty-four of "The Evidence Act, 1910," with the necessary alterations, are hereby incorporated with this Act.

Penalty for refusing to be sworn, &c.  
Com., *ib.*, s. 22.  
Vic., No. 1177,  
s. 10 (5).

**23** If any witness refuses, without just cause (proof whereof shall be upon him), to make such declaration 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 against this Act.

Taking of evidence in private.  
Com., *ib.*, s. 23.  
Cf., Com., 1904,  
No. 13, s. 85.

**24**—(1) If a witness appearing before the 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 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 a misdemeanor.

Penalty: One hundred Pounds or One month's imprisonment.

Privileges of witnesses.  
Cf., Com., 1902,  
No. 13, s. 7.  
Com., 1913,  
No. 20, s. 24.

**25** 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 Supreme Court.

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 for or on account of any evidence lawfully given by him before the Committee, shall be guilty of an offence against this Act.



*Public Works Committee.*

- 27** Every witness appearing before the Committee to give evidence shall be entitled to be paid such witnesses' fees and travelling expenses as the Chairman or Vice-Chairman thinks fit to allow in accordance with a scale prescribed by the Governor. A.D. 1914.  
Witnesses' expenses.  
Cf., Com., *ib.*, s. 27.
- 28** Offences against this Act, not declared to be indictable offences, shall be heard and determined and all penalties shall be recovered in a summary way by and before a Police Magistrate or any Two or more Justices of the Peace, in the manner prescribed by "The Magistrates Summary Procedure Act." Offences.
- 29** 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.
- 30** A person convicted of an offence against this Act shall, if no higher penalty is provided, be punishable by a penalty not exceeding Fifty Pounds. Cf., Com., *ib.*, s. 29.  
Punishment of offenders.
- 31**—(1) The Committee may, in the exercise of any powers by this Act conferred on 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.
- (2) There shall be paid to such assessors such remuneration as the Committee may recommend and the Governor may approve and as Parliament may provide. Remuneration of assessors.

## PART IV.

## REMUNERATION OF COMMITTEE.

- 32** The members of every Committee shall each receive, by way of remuneration for their services as such members, a fee for each day of attendance at a summoned meeting of the Committee at which a quorum was present, according to the following scale:— Fees to be paid to members of Committee.  
Com., *ib.*, s. 35.  
N.S.W., *ib.*, s. 29.  
Cf., Vic., No. 1579, s. 3.
- i. The Chairman, Vice-Chairman, or member presiding at any meeting in his absence, One Pound Ten Shillings for each day ;
  - ii. Every other member, One Pound Five Shillings for each day.

*Public Works Committee.*

A.D. 1914.

Fees to be a charge on Consolidated Revenue Fund.

Ct., Com., *ib.*,

s. 37.

N.S.W., *ib.*, ss.

30, 31 (2).

Vic., No. 1899,

s. 5.

Vic., No. 2131,

s. 5.

Travelling expenses.

Cf. Com., *ib.*,

s. 38.

N.S.W., *ib.*, s. 31.

Vic., No. 1230,

s. 5.

Office of profit.

**33** The fees for attendance and sums for expenses made payable under this part of this Act shall be charged on the Consolidated Revenue Fund, and the certificate of the Chairman or Vice-Chairman of the Committee shall be a sufficient warrant and authority and discharge to the Treasurer for the payment of such fees from such fund.

**34** In addition to the sum payable to every member of the Committee as a fee for attendance, he shall be paid such sum as may be necessary to pay the cost of conveyance on land or water of such member by any means other than by rail.

**35** Nothing in this part of the Act shall be taken to constitute the office of any member of the said Committee an office of profit so as to render such member incapable of sitting or voting as a member of the Legislature, or to make void the election of such member.

## SCHEDULE.

## FORM A.

STATE OF TASMANIA.

*"The Public Works Committee Act, 1914."*

## SUMMONS TO A WITNESS.

To

You are hereby summoned to appear before the Standing Parliamentary Committee on Public Works on the day of 19 at o'clock in the noon at then and there to give evidence and then and there to produce 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.

STATE OF TASMANIA.

*"The Public Works Committee Act, 1914."*

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

Whereas has been summoned to appear before the Standing Parliamentary Committee on Public Works, but has failed to appear in obedience to the summons; these are, therefore, to command and authorise you to forthwith apprehend the said 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 .

To

(Chairman.)