

VICTORIA.



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

By His Excellency SIR CHARLES HOTHAM, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Colony of Victoria, &c., &c., &c.

No. X.

An Act for the more effectual prosecution of enquiries by Boards and Commissions. [Assented to 14th December, 1854.]

WHEREAS it is expedient that Members of Boards and Commissions appointed and issued by the Lieutenant Governor of Victoria with the advice of the Executive Council should have power to direct the attendance of witnesses administer oaths and procure documentary evidence: Be it therefore enacted by His Excellency the Lieutenant Governor of Victoria by and with the advice and consent of the Legislative Council thereof as follows:—

Preamble.

I. It shall be lawful for any member of any Board or Commission duly appointed or issued or to be appointed or issued by the Lieutenant Governor of Victoria with the advice of the Executive Council thereof to direct by summons in writing under the hand and seal of such member the attendance before such Board or Commission at a place and time to be specified in such summons which time shall be a reasonable time from the date of such summons of any person whose evidence in the judgment of such member may be material to the subject matter of enquiry to be made by such Board or Commission and to require all persons to bring before them such books papers deeds documents and writings not being the private papers books deeds or documents of such person as to such member appear necessary for arriving at the truth of the things to be enquired into by such Board or Commission all which persons shall attend such Board or Commission and shall answer all questions put to them by the members of such Board or Commission touching the matters to be enquired into by them and shall produce all books papers deeds documents and writings required of them and in their custody or under their control according to the tenor of the summons Provided that no statement made by any person in answer to any question put by such members shall except in cases of information for perjury committed in such answers be admissible in evidence in any proceedings civil or criminal against such person.

Power for member of Board or Commission to send for persons and papers.

II. If during the course of any such examination upon oath before any Board or Commission as aforesaid any person shall make any disclosure or impart any information or matter for which such person would be liable or be deemed liable to any action suit or prosecution for libel

Persons examined who shall make a faithful discovery indemnified.

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libel slander or scandal every such person shall be freed from all actions penalties forfeitures punishments and disabilities and all criminal prosecutions to which such person may become thus liable on receiving a certificate from such Board or Commission signed by the chairman of the meeting to the effect that such person has made a full discovery to the best of his knowledge touching all things in reference to which such person shall have been so examined and if any action suit or prosecution shall be commenced against any person for any information disclosure or other matter so given in evidence as aforesaid the Court before whom any such action suit or prosecution shall be brought or be pending on presentation of the certificate of such Board or Commission as aforesaid shall stay the proceedings in any such action suit or prosecution and may in its discretion award to any such person such costs as any such person may have been put to by such action suit or prosecution

Member of Board or Commission to be sworn.

III. Every member of any Board or Commission empowered under the provisions of this Act to summon witnesses and examine them on oath shall before any such summons be issued or any such examination take place take the following oath or affirmation

“ I A. B. do swear [or affirm] that I will truly and faithfully
 “ execute the powers and trusts vested in me by virtue of my
 “ appointment as a member of the Board [or Commission as the
 “ case may be] appointed by the Lieutenant Governor of Victoria
 “ with the advice of the Executive Council to enquire into and
 “ report upon [Here state shortly the nature of the enquiry or
 “ the objects of the Commission] according to the best of my
 “ knowledge and judgment

“ So help me God”

and such oath may be taken before any judge of the Supreme Court of Victoria or before any commissioner or other person specially appointed by any such judge for that purpose.

Members of Board or Commission to examine on Oath &c.

IV. It shall be lawful for the chairman of any such Board or Commission to administer an oath or an affirmation to all persons who are examined before such Board or Commission touching the matters to be enquired into by such Board or Commission.

Penalty for non-attendance or refusing to give evidence.

V. If any person on whom any summons shall have been served by the delivery thereof to him or by the leaving thereof at his usual place of abode shall neglect or fail to appear or shall refuse to be sworn or to make answer to such questions as shall be put to him by any member of such Board or Commission touching the subject of enquiry or if any person having the custody control or possession of any papers books deeds documents or writings not being the private property of any person shall upon being summoned as aforesaid fail or neglect to produce the same at the hour and place named in such summons or if any person shall be guilty of any contempt of any such Board or Commission every such person so offending shall forfeit and pay a penalty not exceeding twenty pounds to be recovered by any person authorised so to do by such Board or Commission in a summary way before any one or more justice or justices of the peace.

Penalty for false swearing &c.

VI. Any person who upon examination upon oath or affirmation before any such Board or Commission wilfully gives false evidence shall be deemed guilty of wilful and corrupt perjury and shall be liable to the pains and penalties for such offence.

Witnesses' expenses how to be paid.

VII. Such Board or Commission shall have the power if it shall think fit to award to any witness summoned as aforesaid to appear before them a reasonable sum for his travelling expenses and for his maintenance

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maintenance according to a scale to be determined and approved by the Lieutenant Governor and the said Board shall certify to the Lieutenant Governor the names of the said witnesses with the sums so allowed to each and the said sums so allowed shall be paid to the said witnesses respectively by warrant under the hand of the Lieutenant Governor out of such monies as may be appropriated by the Lieutenant Governor and Legislative Council for the purpose.

VIII. The members of any Board or Commission appointed or issued or to be appointed or issued as aforesaid shall have such and the like protection and privileges in case of any action brought against them for any act done or omitted to be done in the execution of their duty as is now by law given by any Act or Acts now or hereafter to be in force to justices acting in the execution of their office

Protection of members
of Board or Com-
mission.

IX. The Report of every such Board or Commission shall be laid before the Legislative Council within one month after the making of such Report if such Council shall be then in session or if not in Session then within one month after the commencement of the next Session thereof.

Report to be laid be-
fore Legislative
Council.

X. All fines and penalties received or recovered under this Act shall be paid to Her Majesty Her Heirs or Successors and applied to the public uses of Victoria and in support of the Government thereof.

Appropriation of fines
&c.

XI. This Act shall continue in force for a period of one year from the passing hereof.

Duration of Act.