

VICTORIA.



ANNO SEPTIMO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7727.

An Act to consolidate and amend the Law relating to certain Committees of the Legislative Council and of the Legislative Assembly and to certain Joint Committees of the Legislative Council and the Legislative Assembly and for other purposes.

[2nd December, 1968.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Parliamentary Committees Act 1968*. Short title.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

(3) This Act is divided into Parts and Divisions as follows :— Parts and Divisions.
Part I.—Public Accounts Committee ss. 4–6.

Part II.—Private Bill Committees and Costs.	}	Division 1.—Interpretation and application s. 7. Division 2.—Attendance fees for members of Private Bill Committees s. 8. Division 3.—Costs of promoters and petitioners ss. 9–15.
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Part

- Part II.—Private Bill Committees and Costs—*continued.* | Division 4.—Costs of Parliamentary agents and others ss. 16–24.
 | Division 5.—Taxing officers ss. 25–35.
- Part III.—Library Committee s. 36.
- Part IV.—Statute Law Revision Committee ss. 37–40.
- Part V.—Subordinate Legislation Committee ss. 41–44.
- Part VI.—House Committee ss. 45–48.
- Part VII.—General ss. 49–54.

Repeal of
No. 6224
ss. 334–392.

2. (1) Sections 334 to 392 (both inclusive) of *The Constitution Act Amendment Act* 1958 are hereby repealed.

Amendments of
No. 6352.

(2) The *Public Works Committee Act* 1958 is hereby amended as follows :—

S. 7 (1).

(a) In sub-section (1) of section 7 for the expression “\$6.30” there shall be substituted the expression “\$10.00”;

S. 8 (2).

(b) For sub-section (2) of section 8 there shall be substituted the following sub-section :—

“(2) The total amount payable for attendance fees of members of the Committee shall not in any financial year exceed the amount of \$9,000.”

No. 7558
s. 5 (1).

(3) In sub-section (1) of section 5 of the *Joint Select Committee (Drainage) Act* 1967 for the expression “\$6.30” there shall be substituted the expression “\$10.00”.

No. 7568
s. 5 (1).

(4) In sub-section (1) of section 5 of the *Joint Select Committee (Meat Industry) Act* 1967 for the expression “\$6.30” there shall be substituted the expression “\$10.00”.

No. 7602
s. 5 (1).

(5) In sub-section (1) of section 5 of the *Joint Select Committee (Road Safety) Act* 1967 for the expression “\$6.30” there shall be substituted the expression “\$10.00”.

Interpretations.

3. (1) In this Act unless inconsistent with the context or subject-matter—

“Assembly.”

“Assembly” means the Legislative Assembly of Victoria.

“Council.”

“Council” means the Legislative Council of Victoria.

“House Committee.”

“House Committee” means the Joint Committee of the Council and the Assembly.

“Library Committee.”

“Library Committee” means the Library Committee appointed pursuant to the Joint Standing Orders of the Council and the Assembly.

- “Parliamentary Committee” means the Public Accounts Committee, the House Committee, the Library Committee, the Statute Law Revision Committee, the Subordinate Legislation Committee and any Private Bill Committee. “Parliamentary Committee.”
- “President” means President of the Council. “President.”
- “Private Bill Committee” means any committee of the Council or Assembly on a private Bill. “Private Bill Committee.”
- “Public Accounts Committee” means the Committee of Public Accounts appointed by the Assembly pursuant to the Standing Orders of the Assembly. “Public Accounts Committee.”
- “Regulations” means— “Regulations.”
- (a) any regulations or rules which purport to be made under any Act of Parliament and which by such Act or any other Act are required to be laid before both Houses of Parliament ; and
- (b) statutory rules within the meaning of the *Subordinate Legislation Act 1962*.
- “Speaker” means Speaker of the Assembly. “Speaker.”
- (2) Save as otherwise expressly provided in this Act the standing orders and the practices as to select committees and joint committees shall extend and apply with respect to every committee referred to in this Act. Saving of standing orders. No. 6224 ss. 338, 349, 357.

PART I.—PUBLIC ACCOUNTS COMMITTEE.

4. The Public Accounts Committee shall hold office as such committee and may exercise all the powers conferred upon it by any Act or standing order or otherwise for the session during which it is appointed and thence until— Tenure of committee of public accounts. No. 6224 s. 339.
- (a) the day before the commencement of a new session of Parliament ;
- (b) the expiry of the Assembly by effluxion of time ; or
- (c) the dissolution of the Assembly—
- whichever of such events first happens.
5. Where any matter is inquired into or referred by the Assembly to the Public Accounts Committee and the committee has lapsed or ceased to have legal existence before such matter has been reported on by the committee, the evidence taken before the committee shall nevertheless be considered by any subsequent committee to which the same matter may be referred or by which without further reference any such matter is inquired into as if such evidence had been given before and for the information and guidance of such subsequent committee. Consideration of evidence by subsequent committee. No. 6224 s. 340.

6. (1) Each

Attendance and travelling expenses of members of committee.
No. 6224 s. 341.

6. (1) Each member of the Public Accounts Committee shall be entitled to receive by way of reimbursement of his expenses—

- (a) in relation to his attendance in the discharge of his duties as a member of the committee—an attendance fee at the rate of \$10.00 for each attendance at a meeting of the committee at which a quorum is present ; but no member of the committee shall be entitled to receive more than one attendance fee in respect of any one day notwithstanding that he may attend more than one meeting on that day ; and
- (b) in relation to travelling whenever such travelling has been necessarily done in the discharge of his duties as a member of the committee—
- (i) such further allowance as is prescribed by regulation ; and
- (ii) any charges for any conveyance paid by him when so travelling.

(2) The total amount payable for attendance fees of members of the Public Accounts Committee shall not in any financial year exceed the amount of \$9,000.

PART II.—PRIVATE BILL COMMITTEES AND COSTS.

DIVISION 1.—INTERPRETATION AND APPLICATION.

No. 6224
s. 358.

7. (1) In this Part unless inconsistent with the context or subject-matter—

“Petitioner.”

“Petitioner” used with reference to a private Bill means any person who may present a petition against a private Bill or against any provision or statement therein.

“Private Bill.”

“Private Bill” includes the several Bills to which the standing orders of the Council and the Assembly relating to private Bills are respectively applicable ; and every Bill for the particular interest or benefit of any person or persons whether the same is brought in upon petition or motion or report from a committee or otherwise.

“Promoters.”

“Promoters” includes all persons whose names appear in any Bill as promoting the same, and in the case of a Bill whereby a corporation is created becoming law includes the said corporation.

“Taxing officer.”

“Taxing officer” means the taxing officer of the Council or of the Assembly according as the costs to be taxed by such officer relate to proceedings had or taken in the Council or the Assembly.

(2) The

(2) The provisions of this Part shall extend and apply to all private Bills brought into either House of Parliament.

Provisions of this Part extended.
No. 6224
s. 359.

DIVISION 2.—ATTENDANCE FEES FOR MEMBERS OF PRIVATE BILL COMMITTEES.

8. (1) If the Council or the Assembly (as the case may be) so resolves, each member of a Private Bill Committee on a Bill which has been brought into that House shall be entitled to receive by way of reimbursement of his expenses—

Reimbursement of expenses of members of Private Bill Committees.
No. 6224
s. 371.

(a) in relation to his attendance in the discharge of his duties as a member of the said committee an attendance fee at the rate of \$10.00 for each attendance at a meeting of the said committee at which a quorum is present ; but no member of the said committee shall be entitled to receive more than one attendance fee in respect of any one day notwithstanding that he may attend more than one meeting on that day ; and

(b) in relation to travelling whenever such travelling has been necessarily done in discharge of his duties as a member of the committee—

(i) such further allowance as is prescribed by regulation ; and

(ii) any charges for any conveyance paid by him when so travelling.

(2) Any amount paid or payable to members under this section shall be repaid to the Consolidated Revenue by the promoters and any sum deposited by the promoters with respect to the application to Parliament shall be security for (*inter alia*) such payment by the promoters.

Repayment by promoters.

DIVISION 3.—COSTS OF PROMOTERS AND PETITIONERS.

9. (1) When a Private Bill Committee decides that the preamble of the Bill is not proved, or for the protection of any petitioner inserts any provision in or strikes out or alters any provision of the Bill and further unanimously reports with respect to any petitioner that such petitioner has been unreasonably or vexatiously subjected to expense in defending his rights proposed to be interfered with by the Bill, such petitioner shall be entitled to recover from the promoters of the Bill his costs in relation thereto, or such portion thereof as the committee thinks fit, such costs to be taxed by the taxing officer, or the committee may award such a sum for costs as it thinks fit if the parties affected consent thereto.

When committee reports preamble not proved opponents entitled to costs.
No. 6224
s. 360.

(2) When

When committee unanimously reports opposition unfounded the promoters entitled to costs.
No. 6224
s. 361.

(2) When a Private Bill Committee decides that the preamble of the Bill is proved and further unanimously reports that the promoters of the Bill have been subjected vexatiously to expense in the promotion of the Bill by the opposition of any petitioners then the promoters shall be entitled to recover from the petitioners, or such of them as the committee thinks fit, such portion of their costs of the promotion of the Bill as the committee thinks fit, such costs to be taxed by the taxing officer or the committee may award such a sum for costs as the committee thinks fit if the parties affected consent thereto.

(3) In its report to the House the committee shall state what portion of the costs or what sum for costs the committee thinks fit to award, together with the names of the parties liable to pay the same and the names of the parties entitled to receive the same.

Exception in case of land-owner opposing at his own cost.
No. 6224
s. 362.

(4) No owner of land who *bona fide* at his own sole risk and charge opposes a Bill which proposes to take any portion of his property for the purposes of the Bill shall be liable to any costs in respect of his opposition to such Bill.

When committee reports preamble not proved promoters to pay costs out of deposits.
No. 6224
s. 363.

10. (1) Whenever the committee has reported that the preamble is not proved, and where in accordance with the standing orders of the Council or the Assembly or in accordance with any Act a deposit of money has been made with respect to the application to Parliament for an Act the money so deposited shall be a security for the payment by the promoters of the Bill of all costs or sums in respect of costs (if any) payable by them under the foregoing sections of this Part.

(2) Any person entitled to receive any costs or sum so payable shall accordingly have a lien for the same on the money so deposited, and the lien shall attach thereon at the time when the Bill is first referred to a Private Bill Committee.

Lien exceeding amount of deposit.
No. 6224
s. 364.

(3) When two or more persons have liens for an amount exceeding in the aggregate the net value of the money deposited their respective claims shall abate proportionately.

Costs to be taxed on application.
No. 6224
s. 365.

11. (1) If application is made to the taxing officer by the promoter or petitioner or by his solicitor or parliamentary agent within six months after the report of any committee the taxing officer shall examine and tax such costs, and shall deliver to the parties affected on application and to the President or the Speaker (as the case requires) a report of such taxation.

(2) Such report shall express the amount of such costs or in cases where a sum for costs has been awarded by the committee with consent as aforesaid such sum as has been so awarded with the names of the persons liable to pay and entitled to receive the same respectively.

(3) When

(3) When no sum has been named by the committee with consent as aforesaid, the taxing officer shall not tax or examine the costs awarded in respect of any private Bill until one month after a bill of such costs sealed with the seal or subscribed with the proper hand of the persons claiming such costs or of their solicitor or parliamentary agent has been delivered to the persons chargeable therewith or one of them.

Condition where no sum has been named by committee.
No. 6224 s. 366.

12. (1) If either party to the taxation within 21 clear days after such report has been made deposits with the President or the Speaker (as the case requires) a memorial addressed to him complaining of such report or any part thereof the President or the Speaker may if he thinks fit refer the same together with such report to the taxing officer and may require a further report in relation thereto and on receiving such further report may direct the taxing officer to amend his report.

Further report if either party objects to taxing officer's report.

(2) If no such memorial is deposited or as soon as the matters complained of in any such memorial have been finally adjusted the President or the Speaker shall upon application to him deliver to any party concerned therein a certificate of the amount so ascertained, which certificate shall be binding and conclusive on the parties as to the matters comprised in such taxation and as to the amount due on the same and as to the title of the persons named to recover the same in all proceedings.

13. (1) The persons entitled to any sum named by any committee with consent as aforesaid or to any taxed costs, or their executors or administrators, may demand the whole amount thereof from any one or more of the persons liable to the payment thereof, and in case of non-payment on demand may recover the same in the Supreme Court.

Recovery of costs when taxed.
No. 6224 s. 368.

(2) No proceeding in respect of taxed costs awarded in respect of any private Bill settled by the taxing officer shall be commenced against any person who has not had delivered to him a signed certificate of costs as provided in section 12.

14. (1) Where the President or the Speaker has signed and delivered a certificate expressing the amount of any costs any person entitled to receive the same may—

Procedure for recovery on certificate of taxing officer.
No. 6224 s. 369.

- (a) file the certificate in the Supreme Court together with an affidavit of such demand ; and
- (b) thereupon without any previous process sign final judgment against any person liable to pay the same for the amount thereof and for any fees for the certificate or filing the same or for signing the final

judgment.

judgment and such sum as is prescribed for the costs and charges of obtaining and filing the certificate and signing the final judgment.

(2) Upon such final judgment execution may be forthwith issued in the same manner as upon any other judgment of the Supreme Court.

(3) Such a certificate shall be conclusive and shall not be called in question in any court whatsoever.

Recovery by persons paying costs of proportion from other persons liable thereto.
No. 6224
s. 370.

15. Any person from whom the amount of such costs or sum awarded by the committee with consent as aforesaid has been recovered shall be entitled to recover from the other persons or any of them who are liable to the payment of such costs or sum awarded by the committee with consent a proportionate share thereof according to the number of persons so liable and according to the extent of the liability of each person.

DIVISION 4.—COSTS OF PARLIAMENTARY AGENTS AND OTHERS.

Parliamentary agent, &c. not to sue for costs until one month after delivery of bill.
No. 6224
s. 372.

16. No parliamentary agent attorney or solicitor and no executor administrator or assignee of any such parliamentary agent attorney or solicitor shall commence or maintain any action or suit for the recovery of any costs charges or expenses subject to taxation as provided in this Part until the expiration of one month after he has delivered to the party to be charged therewith or sent by post to or left for him at his place of business or last-known place of abode a bill of such costs charges and expenses subscribed with the proper hand of such parliamentary agent attorney or solicitor (or in the case of a partnership by any of the partners either with his own name or with the name of such partnership) or with the proper hand of such executor administrator or assignee.

Mode of proving compliance.
No. 6224
s. 373.

17. It shall not be necessary for any such parliamentary agent attorney or solicitor or for such executor administrator or assignee in proving compliance with this Part to prove in the first instance the contents of the bill delivered sent or left by him, but it shall be sufficient to prove that a bill of costs charges and expenses so subscribed was so delivered sent or left ; but the other party may show that the bill so delivered sent or left was not such a bill as constituted a *bona fide* compliance with this Part.

Power of judge to dispense with month's interval before action.
No. 6224
s. 374.

18. Any Judge of the Supreme Court may authorize a parliamentary agent attorney or solicitor or the executor administrator or assignee of any parliamentary agent attorney or solicitor to commence an action or suit for the recovery of such

costs charges and expenses against the party chargeable therewith although one month has not expired from the delivery of the bill, on proof to the satisfaction of the judge that there is probable cause for believing that such party is about to quit Victoria.

19. Where—

- (a) any person upon whom any demand is made by any parliamentary agent attorney or solicitor or executor administrator or assignee of such parliamentary agent attorney or solicitor or other person for any costs charges or expenses in respect of any proceedings in the Council or the Assembly relating to any petition for a private Bill, or to a private Bill or in respect of the complying with the standing orders of the Council or the Assembly relative thereto, or in preparing bringing in and carrying the same through the Council or the Assembly or in opposing the same therein ; or
- (b) any such parliamentary agent attorney or solicitor or any such executor administrator or assignee or any other person who feels aggrieved by the non-payment of any such costs charges or expenses—

Taxing officer to tax bills on application of party chargeable or others.
No. 6224
s. 375.

makes application to the taxing officer at his office for the taxation of such costs charges or expenses, the taxing officer on receiving a true copy of the bill of such charges costs and expenses which has been duly delivered to the party charged therewith shall in due course proceed to tax and settle the same.

20. (1) If either party to such taxation having due notice thereof refuses or neglects to attend such taxation the taxing officer may proceed to tax and settle such bill and demand *ex parte*.

If either party neglects to attend taxation to be made *ex parte*.
No. 6224
s. 376.

(2) If pending such taxation any action or other proceeding is commenced for the recovery of the amount of such bill or demand the court or judge before whom the same is brought shall stay all proceedings thereon until the amount of such bill has been duly certified by the President or the Speaker as hereinafter provided.

21. The taxing officer shall not entertain any such application to tax—

- (a) if made by the party charged with such bill or demand after a judgment has been obtained or an inquiry ordered in any action for the recovery of the amount of such bill or demand ; or

Taxing officer not to entertain application to tax in certain cases.
No. 6224
s. 377.

(b) after

- (b) after the expiration of six months from the time such bill has been delivered sent or left as aforesaid except by the special direction of the President or the Speaker (as the case may be).

Taxing officer to report to the President or Speaker.
No. 6224
s. 378.

22. In all cases of taxation under section 19 the taxing officer shall—
- (a) report his taxation to the President or the Speaker (as the case may be); and
- (b) in such report state the amount fairly chargeable in respect of costs charges and expenses of a parliamentary agent attorney or solicitor together with the amount of costs and fees payable in respect of such taxation.

Further report if either party objects to taxing officer's report.
No. 6224
s. 379.

23. (1) If either party to the taxation within 21 clear days after such report has been made deposits with the President or the Speaker (as the case may be) a memorial addressed to him complaining of such report or any part thereof, the President or the Speaker may if he thinks fit refer the same together with such report to the taxing officer, and may require a further report in relation thereto, and on receiving such further report may direct the taxing officer to amend his report.

(2) If no such memorial is deposited, or as soon as the matters complained of in any such memorial have been finally adjusted, the President or the Speaker shall upon application made to him deliver to any party concerned therein a certificate of the amount so ascertained, which certificate shall be binding and conclusive on the parties as to the matters comprised in such taxation and as to the amount due on the same and on the costs and fees payable for such taxation in all proceedings.

Certificate to have effect of a warrant to confess judgment.
No. 6224
s. 380.

24. Such certificate shall be conclusive and if any action is commenced in the Supreme Court to recover the amount specified in the certificate the court shall on the production of such certificate order judgment to be entered for the sum specified in such certificate except that where the defendant pleads that he is not liable to the payment of such costs charges or expenses the certificate shall be conclusive only as to the amount which is payable by the defendant if the plaintiff in such action recovers the same.

DIVISION 5.—TAXING OFFICERS.

Appointment of taxing officer of Council.
No. 6224
s. 381.

25. (1) The President shall appoint a fit person to be the taxing officer of the Council.

(2) Every person so appointed shall hold his office during the pleasure of the President, and shall execute the duties of his office conformably to such directions as he may from time to time receive from the President.

26. (1) The

26. (1) The Speaker shall appoint a fit person to be the taxing officer of the Assembly.

Appointment of taxing officer of Assembly.
No. 6224
s. 382.

(2) Every person so appointed shall hold his office at the pleasure of the Speaker, and shall execute the duties of his office conformably to such directions as he may from time to time receive from the Speaker.

27. (1) The President and the Speaker may prepare and alter lists of such charges as it appears to them respectively that parliamentary agents attorneys solicitors and others may justly make with reference to the several matters comprised in such lists.

Preparation of list of charges.
No. 6224
s. 383.

(2) The several charges therein specified shall be the utmost charges to be allowed upon the taxation of any such bill of costs charges and expenses in respect of the several matters therein specified but the taxing officer may allow all fair and reasonable costs charges and expenses in respect of any matter not included in such list.

28. (1) For the purposes of any taxation under this Part the taxing officer may examine upon oath any party to such taxation and any witnesses who may be examined in relation thereto, and may receive affidavits sworn before him or before any commissioner of the Supreme Court for taking affidavits or before any commissioner for taking declarations and affidavits relative to such costs charges or expenses.

Examination by taxing officer on oath.
No. 6224
s. 384.

(2) Every person who on such examination on oath or in such affidavit knowingly gives false evidence shall be deemed to be guilty of perjury.

29. The taxing officer may call for the production of any books or writings in the hands of any party to such taxation relating to the matters of such taxation.

Taxing officer empowered to call for books and papers.
No. 6224
s. 385.

30. Nothing herein contained shall be construed to authorize any taxing officer to determine the amount of fees which may have been payable to either House of Parliament in respect of the proceedings upon any private Bill.

Limitation of powers of taxing officer.
No. 6224
s. 386.

31. The taxing officer may demand and shall receive for any such taxation such fees as the Council and the Assembly respectively may by any standing order authorize and direct, and shall charge the said fees and also award the costs of such taxation against either party to such taxation or in such proportion as he thinks fit against each party.

Taxing officer to take such fees as the Council and Assembly respectively determine.
No. 6224
s. 387.

32. (1) If

Taxation of other costs than those heretofore mentioned.

No. 6224
s. 388.

32. (1) If any bill of costs subject to taxation under this Part contains any costs charges or expenses incurred in respect of any private Bill not taxable by the taxing officer to whom it is presented for taxation he shall at his discretion either tax such last-mentioned costs charges and expenses or shall request the taxing officer of the other House of Parliament or the proper officer of any court having such an officer to assist him in taxing and settling such bill or any part thereof.

(2) Such officer shall thereupon tax and settle the same, and shall return the same with his opinion thereon to the officer who has so requested him to tax and settle the same, and in taxing such costs charges and expenses the taxing officer so requested to assist in taxing shall have the same power and may receive the same fees in respect of such taxation as if such costs charges and expenses were taxed under the preceding sections of this Part.

(3) The proper officer of any court whose assistance has been so requested shall have the same powers and may receive the same fees as upon a reference from the court of which he is such officer.

Taxing officers to include certain costs in their reports and such costs to be included in reports and certificates.

No. 6224
s. 389.

33. After the taxing officer has either by himself or with such assistance as aforesaid taxed such costs, he may include them and where necessary the amount payable thereon by way of fees for taxation in his report to the President or the Speaker (as the case may require) and thereupon all such proceedings may be had as if such costs had been taxed in ordinary course under this Part.

Officers of other courts may request the taxing officer to tax part of bills.

No. 6224
s. 390.

34. If the taxing officer is requested by the proper officer of any other court to assist him in taxing and settling any costs charges or expenses incurred in respect of any private Bill, being part of any bill of costs which has been referred to him by the court of which he is such officer, such taxing officer—

(a) shall thereupon proceed to tax and settle the same ;

(b) shall return the same with his opinion thereon to the officer who has so requested him to tax and settle the same ; and

(c) shall have the same powers and may receive the same fees in respect of such taxation as if application had been made to him for such taxation in due form by one of the parties thereto under the preceding sections of this Part.

Power of taxing officer to take an account between the parties.

No. 6224
s. 391.

35. The taxing officer may take an account between the parties to any taxation under this Part of all sums of money paid or received in respect of any bill of costs which is the subject of

such

such taxation or any matters contained therein, and make allowance for all such sums of money so paid or received in estimating the amount due between the parties to such taxation, and in reporting the same to the President or the Speaker.

PART III.—LIBRARY COMMITTEE.

36. The Library Committee shall hold office as such joint committee and exercise all the powers conferred upon it by any Act or otherwise for the session during which it is appointed and thence until—

Tenure of joint library committee.
No. 6224
s. 342.

- (a) the appointment of the Library Committee in the next following session of Parliament ; or
- (b) the expiry of the Assembly by effluxion of time ; or
- (c) the dissolution of either House of Parliament—

whichever of such events first happens.

PART IV.—STATUTE LAW REVISION COMMITTEE.

37. (1) There shall be a joint committee of the Council and the Assembly to be called the Statute Law Revision Committee.

Statute Law Revision Committee.
No. 6224
s. 343.

(2) The committee shall consist of twelve members.

(3) As soon as conveniently practicable after the commencement of every session of Parliament the members of the committee shall be appointed according to the practice of Parliament with reference to the appointment of members to serve on joint select committees of the Council and the Assembly.

(4) Six of such members shall be members of and be appointed by the Council and six shall be members of and be appointed by the Assembly.

(5) Five members of the committee shall form a quorum but no quorum of the committee shall consist exclusively of members of the Council or of members of the Assembly.

(6) The committee may elect one of the members thereof to be chairman and the chairman shall have a vote but not a casting vote.

38. (1) The functions of the committee shall be—

- (a) to examine anomalies in the statute law ;
- (b) to examine proposals for the consolidation of statutes ;
- (c) to examine proposals in Bills involving technical alterations in the existing law which have been referred by either House to the committee ;

Functions of committee.
No. 6224
s. 344.

(d) to

(d) to make such reports and recommendations to the Council and the Assembly as it thinks proper as the results of any such examination.

(2) In addition the committee may undertake if it thinks fit the consideration of any proposals for the reform of the law presented to the committee by the Attorney-General and may make such reports and recommendations to the Council and the Assembly as it thinks proper as the result of such consideration.

Tenure and
sittings of
committee.
No. 6224
s. 345.

39. (1) The committee shall hold office as such and may exercise all the powers conferred upon it by this Act or otherwise for the session during which it is appointed and thence until—

(a) the day before the commencement of a new session of Parliament ; or

(b) the expiry of the Assembly by effluxion of time ; or

(c) the dissolution of either House of Parliament—

whichever of such events first happens.

(2) The committee may sit and transact business during any adjournment or recess in the period for which it holds office, but the committee shall not sit during the sittings of either House of Parliament except by leave of such House.

(3) The committee may sit at such times and in such places in Victoria or elsewhere as seems most convenient for the proper and speedy despatch of business.

(4) Where any matter is being inquired into or considered by the committee and the committee has lapsed or ceased to have legal existence before the matter has been reported on by the committee, the evidence taken before the committee shall nevertheless be considered by any subsequent committee which may inquire into or consider the same matter as if the evidence had been given before and for the information and guidance of the subsequent committee.

Attendance
and travelling
expenses of
members of
committee.
No. 6224
ss. 346, 347.

40. (1) Each member of the Statute Law Revision Committee shall be entitled to receive by way of reimbursement of his expenses—

(a) in relation to his attendance in the discharge of his duties as a member of the committee—an attendance fee at the rate of \$10.00 for each attendance at a meeting of the committee at which a quorum is present ; but no member of the committee shall be entitled to receive more than one attendance fee in respect of any one day notwithstanding that he may attend more than one meeting on that day ; and

(b) in

(b) in relation to travelling whenever such travelling has been necessarily done in the discharge of his duties as a member of the committee—

- (i) such further allowance as is prescribed by regulation ; and
- (ii) any charges for any conveyance paid by him when so travelling.

(2) The total amount payable for attendance fees of members of the Statute Law Revision Committee shall not in any financial year exceed the amount of \$15,000.

PART V.—SUBORDINATE LEGISLATION COMMITTEE.

41. (1) There shall be a joint committee of the Council and the Assembly to be called the Subordinate Legislation Committee.

Subordinate
Legislation
Committee.
No. 6224
s. 352.

(2) The committee shall consist of six members.

(3) As soon as conveniently practicable after the commencement of every session of Parliament the members of the committee shall be appointed according to the practice of Parliament with reference to the appointment of members to serve on joint select committees of the Council and the Assembly.

(4) Three of such members shall be members of and be appointed by the Council and three shall be members of and be appointed by the Assembly.

(5) Three members of the committee shall form a quorum but no quorum of the committee shall consist exclusively of members of the Council or of members of the Assembly.

(6) The committee may elect one of the members thereof to be chairman and the chairman shall have a vote but not a casting vote.

42. The functions of the committee shall be to consider whether the special attention of Parliament should be drawn to any regulations on the ground that—

Functions of
committee.
No. 6224
s. 353.

- (a) the regulations appear not to be within the regulation-making power conferred by, or not to be in accord with the general objects of, the Act pursuant to which they purport to be made ;
- (b) the form or purport of the regulations calls for elucidation ;

- (c) the regulations unduly trespass on rights previously established by law ;
- (d) the regulations unduly make rights dependent upon administrative and not upon judicial decisions ; or
- (e) the regulations contain matter which in the opinion of the committee should properly be dealt with by an Act of Parliament and not by regulations—

and to make such reports and recommendations to the Council and the Assembly as it thinks desirable as a result of any such consideration.

Tenure of
committee.
No. 6224
s. 354.

43. (1) The committee shall hold office as such, and may exercise all the powers conferred upon it by this Act or otherwise for the session during which it is appointed and thence until—

- (a) the day before the commencement of a new session of Parliament ; or
- (b) the expiry of the Assembly by effluxion of time ; or
- (c) the dissolution of either House of Parliament—

whichever of such events first happens.

(2) The committee may sit and transact business during any adjournment or recess in the period for which it holds office, but the committee shall not sit during the sittings of either House of Parliament except by leave of such House.

(3) The committee may sit at such times and in such places in Victoria or elsewhere convenient for the proper and speedy despatch of business.

(4) Where any matter is being inquired into or considered by the committee and the committee has lapsed or ceased to have legal existence before the matter has been reported on by the committee, the evidence taken before the committee shall nevertheless be considered by any subsequent committee which may inquire into or consider the same matter as if the evidence had been given before and for the information and guidance of the subsequent committee.

Attendance
fees and
travelling
allowances
for members.
No. 6224
s. 355.

44. (1) Each member of the Subordinate Legislation Committee shall be entitled to receive by way of reimbursement of his expenses—

- (a) in relation to his attendance in the discharge of his duties as a member of the committee—an attendance fee at the rate of \$10.00 for each attendance at a meeting of the committee at which a quorum is present ; but no member of the committee shall

be

be entitled to receive more than one attendance fee in respect of any one day notwithstanding that he may attend more than one meeting on that day ; and

(b) in relation to travelling whenever such travelling has been necessarily done in the discharge of his duties as a member of the committee—

(i) such further allowance as is prescribed by regulation ; and

(ii) any charges for any conveyance paid by him when so travelling.

(2) The total amount payable for attendance fees of members of the Subordinate Legislation Committee shall not in any financial year exceed the amount of \$7,500.

PART VI.—HOUSE COMMITTEE.

45. (1) There shall be a joint select committee of the Council and the Assembly to be called the House Committee.

House
Committee.
No. 6224
s. 334.

(2) The House Committee shall consist of the President and the Speaker who shall be members *ex officio* and ten appointed members of whom five shall be members of and be appointed by the Council and five shall be members of and be appointed by the Assembly.

(3) As soon as conveniently practicable after the commencement of every session of Parliament the members of the said committee (other than the President and the Speaker) shall be appointed according to the practice of Parliament with reference to the appointment of members to serve on joint select committees of the Council and the Assembly.

(4) Three members of the House Committee shall form a quorum but no quorum of the House Committee shall consist exclusively of members of the Council or of members of the Assembly.

(5) The House Committee may elect one of its members to be its chairman and the chairman shall have a vote but not a casting vote.

46. The House Committee shall have the management of the refreshment rooms and of the Parliament gardens and of the maintenance renewal and extension of the Parliament buildings.

Powers and
duties of
committee.
No. 6224
s. 335.

47. The officers and persons employed in the refreshment rooms and in the Parliament gardens and on the engineering staff shall be under the control of the House Committee.

Staff under
control of
committee.
No. 6224
s. 335.

48. The

Tenure of
committee.
No. 6224
s. 336.

48. The House Committee shall hold office as such and may exercise all the powers conferred upon it by any Act or otherwise for the session during which it is appointed and thereafter until—

- (a) the appointment of the House Committee in the next following session of Parliament ; or
- (b) the expiry of the Assembly by effluxion of time ; or
- (c) the dissolution of either House of Parliament—

whichever of such events first happens.

PART VII.—GENERAL.

Committee
vacancy.
No. 6224
ss. 334 (6)-(7),
343 (6)-(7) and
352 (6)-(7).

49. (1) The seat of any appointed member of a parliamentary committee shall be deemed to become vacant for any cause for which his seat as a member of the Council or of the Assembly (as the case may be) would become vacant.

(2) When any vacancy occurs in the appointed members of a parliamentary committee it shall be filled upon motion in the usual manner provided that the requirements (if any) of this Act relating to representation on the committee of members of the Council and of the Assembly shall be observed in the filling of such vacancy.

Deputy
Chairman.

50. Any parliamentary committee may elect a deputy chairman and in the absence of the chairman any powers and duties of the chairman may be exercised by the deputy chairman.

Parliamentary
witnesses.
No. 6224
s. 392.

51. (1) Any parliamentary committee may administer an oath to a witness to be examined before that committee.

(2) Any oath or affirmation taken or made by any witness before any parliamentary committee may be administered by the chairman or deputy chairman of the committee or the clerk attending the committee.

(3) In any case where a witness, if to be examined before the Supreme Court, were to be permitted to make a solemn affirmation or declaration or to give evidence in any other way than upon oath, a witness to be examined by any parliamentary committee shall be in like manner allowed to give evidence upon affirmation or declaration or otherwise as aforesaid.

(4) No action shall be maintainable against any witness who has given evidence, whether on oath or otherwise, under the authority of this Act for or in respect of any defamatory words spoken by him while giving such evidence.

(5) Every person examined under this section who wilfully gives false evidence shall be liable to the penalties of perjury.

(6) Nothing

(6) Nothing in this section shall derogate from any power or privilege of the members or the committees of either House or of the joint committees of the Council and the Assembly as existing on the commencement of this Act.

52. (1) The amount to which any member of a parliamentary committee is entitled pursuant to this Act shall be certified to by the chairman of the committee in question and when approved by the Treasurer of Victoria shall be payable to that member out of the Consolidated Revenue (which is hereby to the necessary extent appropriated for that purpose accordingly).

Payments to members of committees to be certified to by chairman or deputy chairman of committee.
No. 6224 ss. 341 (2)-(3), 346 (2)-(3) and 371 (2)-(3).

(2) Any reimbursement payable to a member of a parliamentary committee under this Act shall be in addition to any payment received by the member as parliamentary salary or allowances.

53. Notwithstanding anything in *The Constitution Act Amendment Act 1958* or in any other Act a member of a parliamentary committee shall not by reason only of receiving any payment under this Act be deemed to hold or to accept an office or place of profit under the Crown or to be employed in the public service so as to render him incapable of sitting or voting as a member of the Assembly or Council or to make null and void his election to Parliament or to disqualify him or to render him incapable of being or continuing a member of the Assembly or Council or to make him liable to any penalty under *The Constitution Act Amendment Act 1958* or any corresponding previous enactment.

Payments under this Act not to be in contravention of *The Constitution Act Amendment Act 1958*.
No. 6224 ss. 341, 348 (4), 371 (4).

54. The Governor in Council may make regulations for or with respect to any matter or thing which is required or permitted to be prescribed or which is necessary or expedient to be prescribed for giving effect to this Act.

Regulations.