

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 10 of 1938.

AN ORDINANCE

To Provide for Enquiry into matters in relation to the Territory for the Seat of Government.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Enquiry Ordinance* Short title.
1938.
2. In this Ordinance, unless the contrary intention appears— Definitions.
“Appointed person” means a person appointed by the Minister under section three of this Ordinance;
“Board” means a Board of Enquiry appointed under this Ordinance and includes the members of a Board and a quorum thereof;
“Reasonable excuse”, in relation to any act or omission by a person summoned as a witness before a Board or an appointed person, means an excuse which would excuse an act or omission of a similar nature by a witness or person summoned as a witness before a court of law.
- 3.—(1.) The Minister may, from time to time, appoint a Board of Enquiry or any person to enquire into any matter in relation to the Territory for the Seat of Government which is specified in the instrument of appointment. Minister may appoint Board or person to enquire into any matter.
(2.) The Minister may appoint any member of a Board appointed under this section to be the Chairman of that Board.
4. Every member of a Board and every appointed person shall in the exercise of his duty have the same protection and immunity as the Judge of the Supreme Court of the Australian Capital Territory. Protection to members of Board and appointed persons.
5. A Board or an appointed person shall make a thorough investigation without regard to legal forms and solemnities and shall not be bound by any rules of evidence, but may inform its or his mind on any matter in such manner as it or he thinks just. Board or appointed person not bound by rules of evidence.

1167.—PRICE 3D.

Person summoned may be represented by counsel, &c.

6. Any person summoned to attend a Board or an appointed person may, with the approval of the Board or appointed person, be represented by counsel, attorney or agent who may examine witnesses and address the Board or appointed person on his behalf.

Power to send for witnesses and documents.

7. The Chairman of a Board or an appointed person may, by writing under his hand, summon any person to attend the Board or appointed person at a time and place mentioned in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or control which he is required by the summons to produce.

Power to examine upon oath or affirmation.

8. Any member of a Board or an appointed person may administer an oath or affirmation to any person appearing as a witness before the Board or appointed person, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath or affirmation.

Penalty for failing to attend or produce documents.

9.—(1.) If any person served with a summons to attend a Board or an appointed person, whether the summons is served personally or by being left at his usual place of abode, fails without reasonable excuse to attend the Board or appointed person or to produce any documents, books or writings in his custody or control which he was required by the summons to produce, he shall be guilty of an offence.

Penalty: Fifty pounds.

(2.) It shall be a defence to a prosecution under this section for failing without reasonable excuse to produce any documents, books or writings, if the defendant proves that the documents, books or writings were not relevant to the enquiry.

Penalty for refusing to be sworn or to give evidence.

10. If any person appearing as a witness before a Board or an appointed person refuses to be sworn or to make an affirmation or to answer any questions relevant to the enquiry put to him by any member of the Board or by the appointed person, he shall be guilty of an offence.

Penalty: Fifty pounds.

Statements made by witness not admissible in evidence against him.

11. A statement or disclosure made by any witness in answer to any question put to him by a Board or any member of a Board or by an appointed person shall not (except in proceedings for an offence against this Ordinance) be admissible in evidence against him in any civil or criminal proceedings in any court.

Giving false testimony.

12. Any witness before a Board or an appointed person who knowingly gives false testimony in any evidence given by him to the Board or appointed person shall be guilty of an offence.

Penalty: Imprisonment for twelve months.

Protection to and liability of witnesses.

13. Any witness before a Board or an appointed person shall have the same protection and shall, in addition to the penalties provided by this Ordinance, be subject to the same liabilities in any civil or criminal proceeding, as a witness in any case tried in the Supreme Court of the Australian Capital Territory.

14.—(1.) No action or proceeding, civil or criminal, shall lie against any person for publishing in good faith for the information of the public— Protection of reports and proceedings.

(a) a copy of, or a fair extract from, or a fair abstract of, any report made by any Board or person appointed to enquire into any matter in relation to the Territory for the Seat of Government; or

(b) a fair and accurate report of the proceedings of any such enquiry.

(2.) A publication shall be deemed to be made in good faith for the information of the public if the person by whom it is made is not actuated in making it by ill-will to the person defamed, or by any other improper motive.

15. The Minister may make regulations prescribing a scale of allowances to be paid by the Commonwealth, to any witness summoned under this Ordinance, for his travelling expenses and maintenance while absent from his usual place of abode. Allowances to witnesses.

Dated this tenth day of March, 1938.

GOWRIE

Governor-General.

By His Excellency's Command,

J. McEWEN

Minister of State for the Interior.