

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 22 of 1928.

## AN ORDINANCE

### Relating to Boards of Enquiry.

**B**E it ordained by the Governor-General of 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*, as follows:—

1. This Ordinance may be cited as the *Board of Enquiry Ordinance 1928*. Short title and citation.

2. In this Ordinance, unless the contrary intention appears—

“Board” means a Board of Enquiry appointed under this Ordinance;

“Reasonable excuse” in relation to any act or omission by a person summoned as a witness before a Board, 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;

“the Commission” means the Federal Capital Commission.

3.—(1.) The Commission may, from time to time, appoint a Board of Enquiry to enquire into any matter in relation to— Boards of Enquiry.

(a) employment by or under the Commission including any act or omission of any officer or employee of the Commission; or

(b) any work done for, or any contract or agreement entered into by or on behalf of, the Commission.

(2.) The Commission may appoint any member of a Board appointed under this section to be the Chairman of that Board.

4. The Chairman of a Board may, by writing under his hand, summon any person to attend the Board 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 send for witnesses and documents.

Power to  
examine upon  
oath or  
affirmation.

5. Any member of a Board may administer an oath or affirmation to any person appearing as a witness before the Board, 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.

6.—(1.) If any person served with a summons to attend the Board, 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 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.

7. If any person appearing as a witness before a Board 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, he shall be guilty of an offence.

Penalty: Fifty pounds.

Statements  
made by  
witness not  
admissible in  
evidence  
against him.

8. 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 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.

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

Penalty: Imprisonment for twelve months.

Allowances to  
witnesses.

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

Dated this twenty-seventh day of November, One thousand nine hundred and twenty-eight.

STONEHAVEN

Governor-General.

By His Excellency's Command,

NEVILLE HOWSE

Minister of State for Home and Territories.

By Authority: H. J. GREEN, Government Printer, Canberra.