

1922.

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Legislative Council.

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## Boorabil Commission (Amendment) Bill.

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### EXPLANATORY NOTE.

THE object in this Bill is to omit section 8 from the Boorabil Commission Act, 1914, and to substitute therefor a clause making it compulsory for a person called before the Commissioner to answer questions, produce books and documents, &c.

Section 8 of the Boorabil Commission Act, which is proposed to be omitted, contains the following proviso :—

Provided that no evidence taken before the Commissioner shall be admissible against any person in any civil or criminal proceedings, except in the case of a person accused of having given false evidence before the Commissioner, or of having procured, or caused, or attempted, or conspired to procure, or cause the giving of such evidence.

In a prosecution for conspiracy the Chief Justice ruled that a document which had been compulsorily produced before the Royal Commissioner was not admissibly any evidence against those accused with conspiracy.

The present Bill will protect a person giving the answer or producing the document, but does not protect other persons.

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Legislative Council.

No. , 1922.

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# A BILL

To amend the Boorabil Commission Act, 1914.

[SIR JOSEPH CARRUTHERS ;—13 *September*, 1922.]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
5 the same, as follows:—

**1.** This Act may be cited as the “Boorabil Commis- Short title,  
sion (Amendment) Act, 1922.”

71769

C 48—

**2.**

Amendment  
of Act No. 14  
of 1914.

**2.** The Boorabil Commission Act, 1914, is amended by the omission of section eight and the substitution therefor of the following section :—

8. A person who is called before the Commissioner, either as a witness or to produce books, documents, or writings, shall not be excused from answering any question, or from the production of any book, document, or writing, upon the ground that the answer thereto, or the production thereof, may criminate or tend to criminate him, or on the ground of privilege, or on any other ground :

Provided that no answer given by any person to or before the Commissioner, and no book, document, or writing produced to the Commissioner by any person, shall be admissible in evidence against such person in any proceeding, civil or criminal, except in a criminal proceeding against him for having given false evidence before the Commissioner, or for having procured, or caused, or attempted or conspired to procure, or cause, the giving of such evidence.



*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 20th September, 1922.*

## New South Wales.



ANNO TERTIO DECIMO

# GEORGI V REGIS.

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Act No.           , 1922.

[An Act to amend the Boorabil Commission  
Act, 1914.

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*Boorabil Commission (Amendment).*

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10       answer thereto, or the production thereof, may  
criminate or tend to criminate him, or on the ground  
of privilege, or on any other ground :

15       Provided that no answer given by any person to  
or before the Commissioner, and no book, document,  
or writing produced to the Commissioner by any  
person, shall be admissible in evidence against such  
person in any proceeding, civil or criminal, except  
20       in a criminal proceeding against him for having  
given false evidence before the Commissioner, or  
for having procured, or caused, or attempted or  
conspired to procure, or cause, the giving of such  
evidence,

[4d.]