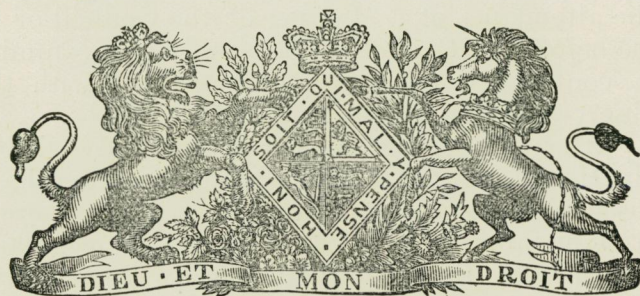


New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

\*\*\*\*\*

Act No. 43, 1901.

An Act to consolidate the law relating to the summoning, attendance, and examination of witnesses before either House of Parliament or any Committee thereof. [Assented to, 7th November, 1901.]

BE 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 the same, as follows:—

1. This Act may be cited as the "Parliamentary Evidence Act, Short title. 1901."

2. The Act mentioned in the First Schedule to this Act is hereby repealed.

3. In this Act—

- "Assembly" means the Legislative Assembly.
- "Committee" means a Committee of the Council or Assembly.
- "Council" means the Legislative Council.
- "President" means the President of the Council.
- "Speaker" means the Speaker of the Assembly.

Repeal.  
First schedule.  
Interpretation.  
45 Vic. No. 5, s. 1.

*Parliamentary Evidence.*

Witnesses how  
summoned.  
45 Vic. No. 5, s. 2.

4. (1) Any person not being a Member of the Council or Assembly may be summoned to attend and give evidence before the Council or Assembly by notice of the order of the Council or Assembly signed by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be, and personally served upon such person.

(2) Any such person may be summoned to attend and give evidence before a committee by an order of such committee signed by the chairman thereof and served as aforesaid.

Members of  
Parliament.  
*Ibid.*

5. The attendance of a Member of the Council or Assembly to give evidence before the Council or Assembly or a committee shall be procured in conformity (so far as practicable) with the mode of procedure observed in the British House of Commons.

Expenses of  
witnesses.  
*Ibid.* s. 4.

6. (1) Every witness summoned as aforesaid shall be entitled to be paid at the time of service of such notice or order his reasonable expenses consequent upon his attendance in obedience thereto according to his condition or profession, to be calculated in accordance with the scale in force for the time being for the payment of witnesses in actions in the Supreme Court.

(2) The expenses of any witness summoned at the instance of a party shall be defrayed by such party; but if the witness be summoned for any public inquiry to be examined either by the Council or Assembly or by a committee, his expenses shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund on the receipt by him of a written authority in that behalf signed by the Clerk of the Parliaments or Clerk of the Assembly or Chairman of the Committee respectively, according to the nature of the summons.

Non-attendance of  
witness to be certified  
to a Judge.  
Second Schedule.  
*Ibid.* s. 5.

7. If any witness so summoned fails to attend and give evidence in obedience to such notice or order, the President or the Speaker, as the case may be, upon being satisfied of the failure of such witness so to attend and that his non-attendance is without just cause or reasonable excuse, may certify such facts under his hand and seal to a Judge of the Supreme Court, according to the form in the Second Schedule hereto, or to the like effect.

Warrant to issue  
thereupon.  
Third Schedule.  
*Ibid.*

8. Upon such certificate any Judge of the said Court shall issue his warrant in the form in the Third Schedule hereto, or to the like effect, for the apprehension of the person named in such certificate, for the purpose of bringing him before the Council, Assembly, or Committee to give evidence.

Warrant and order  
of President or  
Speaker to be  
sufficient authority  
for acts thereunder.  
*Ibid.*

9. (1) Such warrant shall be a sufficient authority for all persons acting thereunder to apprehend the person named in such warrant, and to retain him in custody, to the intent that he may from time to time be produced for the purpose of giving evidence, or be remanded and finally be discharged from custody, pursuant to any order under the hand and seal of the President or Speaker, as the case may be.

(2) Every such order shall be a sufficient warrant for all persons acting thereunder.

*Parliamentary Evidence.*

10. (1) Every witness attending to give evidence before the Council, Assembly, or a Committee of the Whole shall be sworn at the bar of the House; and the customary oath shall be administered by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be (or in his absence by the officer acting for him).

Administration of oath.  
45 Vic. No. 5, s. 3.

(2) Every witness attending to give evidence before a Committee other than a Committee of the Whole shall be sworn by the chairman of such Committee.

(3) Provided that in any case where a witness, if examined before the Supreme Court, would be permitted to make a solemn declaration or to give evidence in any other way than upon oath, a witness summoned under this Act shall be in like manner allowed to give evidence upon declaration or otherwise, as aforesaid.

Declaration, &c., in lieu of oath.  
*Ibid.*

11. (1) If any witness refuses to answer any lawful question during his examination, he shall be deemed guilty of a contempt of Parliament, and may be forthwith committed for such offence into the custody of the usher of the black rod or serjeant-at-arms, and, if the House so order, to gaol, for any period not exceeding one calendar month, by warrant under the hand of the President or Speaker, as the case may be.

Penalty for refusal to answer.  
*Ibid.* s. 7.

(2) Such warrant shall be a sufficient authority for all gaolers and other officers to hold the body of the person therein named for the term therein stated.

(3) No person acting under the authority of this section shall incur any liability, civil or criminal, for such act.

12. 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.

Privilege of witness.  
*Ibid.* s. 6.

13. If any such witness wilfully makes any false statement, knowing the same to be false, he shall, whether such statement amounts to perjury or not, be liable to penal servitude for a term not exceeding five years.

Penalty for false evidence.  
*Ibid.*

SCHEDULES.

FIRST SCHEDULE.

Reference to Act.	Short title	Extent of repeal.
45 Vic. No. 5 ...	Parliamentary Evidence Act, 1881 ...	The whole.

SECOND

---

*Parliamentary Evidence.*


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Section 7.

## SECOND SCHEDULE.

*Form of certificate.*

To His Honor

In the matter of the "Parliamentary Evidence Act, 1901," and A.B. of  
 THIS is to certify to your Honor that it hath been made to appear to me  
 that the said A.B. has been duly summoned to attend and give evidence before the  
 pursuant to the "Parliamentary Evidence Act, 1901," and that the said A.B. has failed  
 to appear, and that his non-appearance is without just cause or reasonable excuse.

Given under my hand and seal at                      this                      day of                      in the  
 year one thousand nine hundred and

President of the Legislative Council

*or*

Speaker of the Legislative Assembly  
*(as the case may be).*

Section 8.

## THIRD SCHEDULE.

*Form of Judge's warrant.*

In the Supreme Court of }  
 New South Wales.        }

In the matter of the "Parliamentary Evidence Act, 1901," and A.B. of

To the Sheriff of New South Wales, his deputy and assistants, and to all constables  
 and other His Majesty's officers and ministers of the peace whom it may  
 concern

WHEREAS it hath this day been certified under the hand of\*                      that  
 of                      has been duly summoned to attend and give evidence before the  
 pursuant to the "Parliamentary Evidence Act, 1901," but hath failed to appear  
 This is to require you forthwith to apprehend the said                      and to detain  
 him in custody for the purpose of being brought before                      to give evidence and  
 there to obey all further orders under the hand of the\*                      for his remand  
 or for his final discharge from custody.

Given under my hand and seal at                      aforesaid this                      day  
 of                      in the year one thousand nine hundred and

A Judge of the Supreme Court of New South Wales.

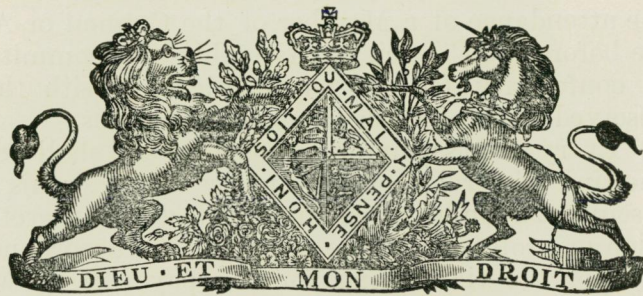
\* President or Speaker *(as the case may be).*

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council Chamber, }  
Sydney, 17th October, 1901. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO PRIMO

# EDWARDI VII REGIS.

\*\*\*\*\*

### Act No. 43, 1901.

An Act to consolidate the law relating to the summoning, attendance, and examination of witnesses before either House of Parliament or any Committee thereof. [Assented to, 7th November, 1901.]

**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 the same, as follows:—

1. This Act may be cited as the "Parliamentary Evidence Act, Short title. 1901."

2. The Act mentioned in the First Schedule to this Act is hereby repealed. Repeal, First schedule.

3. In this Act—  
"Assembly" means the Legislative Assembly.  
"Committee" means a Committee of the Council or Assembly.  
"Council" means the Legislative Council.  
"President" means the President of the Council.  
"Speaker" means the Speaker of the Assembly. Interpretation. 45 Vic. No. 5, s. 1.

*Parliamentary Evidence.*

Witnesses how  
summoned.  
45 Vic. No. 5, s. 2.

4. (1) Any person not being a Member of the Council or Assembly may be summoned to attend and give evidence before the Council or Assembly by notice of the order of the Council or Assembly signed by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be, and personally served upon such person.

(2) Any such person may be summoned to attend and give evidence before a committee by an order of such committee signed by the chairman thereof and served as aforesaid.

Members of  
Parliament.  
*Ibid.*

5. The attendance of a Member of the Council or Assembly to give evidence before the Council or Assembly or a committee shall be procured in conformity (so far as practicable) with the mode of procedure observed in the British House of Commons.

Expenses of  
witnesses.  
*Ibid.* s. 4.

6. (1) Every witness summoned as aforesaid shall be entitled to be paid at the time of service of such notice or order his reasonable expenses consequent upon his attendance in obedience thereto according to his condition or profession, to be calculated in accordance with the scale in force for the time being for the payment of witnesses in actions in the Supreme Court.

(2) The expenses of any witness summoned at the instance of a party shall be defrayed by such party; but if the witness be summoned for any public inquiry to be examined either by the Council or Assembly or by a committee, his expenses shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund on the receipt by him of a written authority in that behalf signed by the Clerk of the Parliaments or Clerk of the Assembly or Chairman of the Committee respectively, according to the nature of the summons.

Non-attendance of  
witness to be certified  
to a Judge.  
Second Schedule.  
*Ibid.* s. 5.

7. If any witness so summoned fails to attend and give evidence in obedience to such notice or order, the President or the Speaker, as the case may be, upon being satisfied of the failure of such witness so to attend and that his non-attendance is without just cause or reasonable excuse, may certify such facts under his hand and seal to a Judge of the Supreme Court, according to the form in the Second Schedule hereto, or to the like effect.

Warrant to issue  
thereupon.  
Third Schedule.  
*Ibid.*

8. Upon such certificate any Judge of the said Court shall issue his warrant in the form in the Third Schedule hereto, or to the like effect, for the apprehension of the person named in such certificate, for the purpose of bringing him before the Council, Assembly, or Committee to give evidence.

Warrant and order  
of President or  
Speaker to be  
sufficient authority  
for acts thereunder.  
*Ibid.*

9. (1) Such warrant shall be a sufficient authority for all persons acting thereunder to apprehend the person named in such warrant, and to retain him in custody, to the intent that he may from time to time be produced for the purpose of giving evidence, or be remanded and finally be discharged from custody, pursuant to any order under the hand and seal of the President or Speaker, as the case may be.

(2) Every such order shall be a sufficient warrant for all persons acting thereunder.

*Parliamentary Evidence.*

10. (1) Every witness attending to give evidence before the Council, Assembly, or a Committee of the Whole shall be sworn at the bar of the House; and the customary oath shall be administered by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be (or in his absence by the officer acting for him).

Administration  
of oath.  
45 Vic. No. 5, s. 3.

(2) Every witness attending to give evidence before a Committee other than a Committee of the Whole shall be sworn by the chairman of such Committee.

(3) Provided that in any case where a witness, if examined before the Supreme Court, would be permitted to make a solemn declaration or to give evidence in any other way than upon oath, a witness summoned under this Act shall be in like manner allowed to give evidence upon declaration or otherwise, as aforesaid.

Declaration, &c., in  
lieu of oath.  
*Ibid.*

11. (1) If any witness refuses to answer any lawful question during his examination, he shall be deemed guilty of a contempt of Parliament, and may be forthwith committed for such offence into the custody of the usher of the black rod or sergeant-at-arms, and, if the House so order, to gaol, for any period not exceeding one calendar month, by warrant under the hand of the President or Speaker, as the case may be.

Penalty for refusal  
to answer.  
*Ibid.* s. 7.

(2) Such warrant shall be a sufficient authority for all gaolers and other officers to hold the body of the person therein named for the term therein stated.

(3) No person acting under the authority of this section shall incur any liability, civil or criminal, for such act.

12. 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.

Privilege of witness.  
*Ibid.* s. 6.

13. If any such witness wilfully makes any false statement, knowing the same to be false, he shall, whether such statement amounts to perjury or not, be liable to penal servitude for a term not exceeding five years.

Penalty for false  
evidence.  
*Ibid.*

## SCHEDULES.

## FIRST SCHEDULE.

Reference to Act.	Short title	Extent of repeal.
45 Vic. No. 5 ...	Parliamentary Evidence Act, 1881 ...	The whole.

SECOND

---

*Parliamentary Evidence.*


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Section 7.

## SECOND SCHEDULE.

*Form of certificate.*

To His Honor

In the matter of the "Parliamentary Evidence Act, 1901," and A.B. of  
 THIS is to certify to your Honor that it hath been made to appear to me  
 that the said A.B. has been duly summoned to attend and give evidence before the  
 pursuant to the "Parliamentary Evidence Act, 1901," and that the said A.B. has failed  
 to appear, and that his non-appearance is without just cause or reasonable excuse.

Given under my hand and seal at                    this                    day of                    in the  
 year one thousand nine hundred and

President of the Legislative Council

*or*

Speaker of the Legislative Assembly  
*(as the case may be).*

Section 8.

## THIRD SCHEDULE.

*Form of Judge's warrant.*

In the Supreme Court of }  
 New South Wales.        }

In the matter of the "Parliamentary Evidence Act, 1901," and A.B. of

To the Sheriff of New South Wales, his deputy and assistants, and to all constables  
 and other His Majesty's officers and ministers of the peace whom it may  
 concern

WHEREAS it hath this day been certified under the hand of\*                    that  
 of                    has been duly summoned to attend and give evidence before the  
 pursuant to the "Parliamentary Evidence Act, 1901," but hath failed to appear

This is to require you forthwith to apprehend the said                    and to detain  
 him in custody for the purpose of being brought before                    to give evidence and  
 there to obey all further orders under the hand of the\*                    for his remand  
 or for his final discharge from custody.

Given under my hand and seal at                    aforesaid this                    day  
 of                    in the year one thousand nine hundred and

A Judge of the Supreme Court of New South Wales.

\* President or Speaker *(as the case may be).*

*In the name and on the behalf of His Majesty I assent to this Act.*

State Government House,  
 Sydney, 7th November, 1901.

FREDK. M. DARLEY,  
 Lieutenant-Governor.



Certificate to accompany the Parliamentary  
Evidence Bill.

I CERTIFY that this Bill solely consolidates, and in no way alters, adds to, or amends  
the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.

Certificate for recording the  
Lyncher Bill

As the said Bill is a public law, and is  
not a private bill, it is hereby certified

that it is a public law.

Witness my hand and the seal of the Senate  
at Washington, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_.

## Parliamentary Evidence Bill.

TABLE showing how the enactments consolidated have been dealt with.

Section of Repealed Act.	Section of Consolidated Act.	Remarks.
45 VICTORIA No. 5.		
1	3	
2	4, 5	
3	10	
4	6	
5	7-9	
6	12, 13	
7	11	

Parliamentary Bill no. 111

Parliamentary Bill no. 111

1911

1911

1911

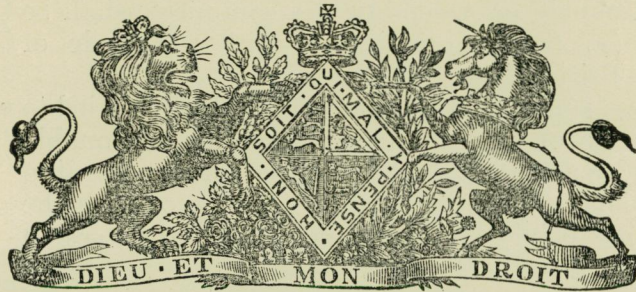
1911

*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.*

*Legislative Council Chamber,  
Sydney, 18th September, 1901.* }

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO PRIMO

# EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1901.

An Act to consolidate the law relating to the summoning, attendance, and examination of witnesses before either House of Parliament or any Committee thereof.

**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 the same, as follows:—

1. This Act may be cited as the "Parliamentary Evidence Act, Short title. 1901."

2. The Act mentioned in the First Schedule to this Act is hereby repealed. Repeal,  
First schedule.

3. In this Act—  
"Assembly" means the Legislative Assembly. Interpretation.  
45 Vic. No. 5, s. 1.  
"Committee" means a Committee of the Council or Assembly.  
"Council" means the Legislative Council.  
"President" means the President of the Council.  
"Speaker" means the Speaker of the Assembly.

*Parliamentary Evidence.*

4. (1) Any person not being a Member of the Council or Assembly may be summoned to attend and give evidence before the Council or Assembly by notice of the order of the Council or Assembly signed by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be, and personally served upon such person.

Witnesses how  
summoned.  
45 Vic. No. 5, s. 2.

(2) Any such person may be summoned to attend and give evidence before a committee by an order of such committee signed by the chairman thereof and served as aforesaid.

5. The attendance of a Member of the Council or Assembly to give evidence before the Council or Assembly or a committee shall be procured in conformity (so far as practicable) with the mode of procedure observed in the British House of Commons.

Members of  
Parliament.  
*Ibid.*

6. (1) Every witness summoned as aforesaid shall be entitled to be paid at the time of service of such notice or order his reasonable expenses consequent upon his attendance in obedience thereto according to his condition or profession, to be calculated in accordance with the scale in force for the time being for the payment of witnesses in actions in the Supreme Court.

Expenses of  
witnesses.  
*Ibid.* s. 4.

(2) The expenses of any witness summoned at the instance of a party shall be defrayed by such party; but if the witness be summoned for any public inquiry to be examined either by the Council or Assembly or by a committee, his expenses shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund on the receipt by him of a written authority in that behalf signed by the Clerk of the Parliaments or Clerk of the Assembly or Chairman of the Committee respectively, according to the nature of the summons.

7. If any witness so summoned fails to attend and give evidence in obedience to such notice or order, the President or the Speaker, as the case may be, upon being satisfied of the failure of such witness so to attend and that his non-attendance is without just cause or reasonable excuse, may certify such facts under his hand and seal to a Judge of the Supreme Court, according to the form in the Second Schedule hereto, or to the like effect.

Non-attendance of  
witness to be certified  
to a Judge.  
Second Schedule.  
*Ibid.* s. 5.

8. Upon such certificate any Judge of the said Court shall issue his warrant in the form in the Third Schedule hereto, or to the like effect, for the apprehension of the person named in such certificate, for the purpose of bringing him before the Council, Assembly, or Committee to give evidence.

Warrant to issue  
thereupon.  
Third Schedule.  
*Ibid.*

9. (1) Such warrant shall be a sufficient authority for all persons acting thereunder to apprehend the person named in such warrant, and to retain him in custody, to the intent that he may from time to time be produced for the purpose of giving evidence, or be remanded and finally be discharged from custody, pursuant to any order under the hand and seal of the President or Speaker, as the case may be.

Warrant and order  
of President or  
Speaker to be  
sufficient authority  
for acts thereunder.  
*Ibid.*

(2) Every such order shall be a sufficient warrant for all persons acting thereunder.

*Parliamentary Evidence.*

10. (1) Every witness attending to give evidence before the Council, Assembly, or a Committee of the Whole shall be sworn at the bar of the House; and the customary oath shall be administered by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be (or in his absence by the officer acting for him).

Administration of oath.  
45 Vic. No. 5, s. 3.

(2) Every witness attending to give evidence before a Committee other than a Committee of the Whole shall be sworn by the chairman of such Committee.

(3) Provided that in any case where a witness, if examined before the Supreme Court, would be permitted to make a solemn declaration or to give evidence in any other way than upon oath, a witness summoned under this Act shall be in like manner allowed to give evidence upon declaration or otherwise, as aforesaid.

Declaration, &c., in lieu of oath.  
*Ibid.*

11. (1) If any witness refuses to answer any lawful question during his examination, he shall be deemed guilty of a contempt of Parliament, and may be forthwith committed for such offence into the custody of the usher of the black rod or serjeant-at-arms, and, if the House so order, to gaol, for any period not exceeding one calendar month, by warrant under the hand of the President or Speaker, as the case may be.

Penalty for refusal to answer.  
*Ibid.* s. 7.

(2) Such warrant shall be a sufficient authority for all gaolers and other officers to hold the body of the person therein named for the term therein stated.

(3) No person acting under the authority of this section shall incur any liability, civil or criminal, for such act.

12. 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.

Privilege of witness.  
*Ibid.* s. 6.

13. If any such witness wilfully makes any false statement, knowing the same to be false, he shall, whether such statement amounts to perjury or not, be liable to penal servitude for a term not exceeding five years.

Penalty for false evidence.  
*Ibid.*

SCHEDULES.

FIRST SCHEDULE.

Reference to Act.	Short title	Extent of repeal.
45 Vic. No. 5 ...	Parliamentary Evidence Act, 1881 ...	The whole.

SECOND

*Parliamentary Evidence.*

SECOND SCHEDULE.

Section 7.

*Form of certificate.*

To His Honor

In the matter of the "Parliamentary Evidence Act, 1901," and A.B. of  
 THIS is to certify to your Honor that it hath been made to appear to me  
 that the said A.B. has been duly summoned to attend and give evidence before the  
 pursuant to the "Parliamentary Evidence Act, 1901," and that the said A.B. has failed  
 to appear, and that his non-appearance is without just cause or reasonable excuse.

Given under my hand and seal at                    this                    day of                    in the  
 year one thousand nine hundred and

President of the Legislative Council

*or*  
 Speaker of the Legislative Assembly  
 (as the case may be).

THIRD SCHEDULE.

Section 8.

*Form of Judge's warrant.*

In the Supreme Court of }  
 New South Wales. }

In the matter of the "Parliamentary Evidence Act, 1901," and A.B. of

To the Sheriff of New South Wales, his deputy and assistants, and to all constables  
 and other His Majesty's officers and ministers of the peace whom it may  
 concern

WHEREAS it hath this day been certified under the hand of\*                    that  
 of                    has been duly summoned to attend and give evidence before the  
 pursuant to the "Parliamentary Evidence Act, 1901," but hath failed to appear

This is to require you forthwith to apprehend the said                    and to detain  
 him in custody for the purpose of being brought before                    to give evidence and  
 there to obey all further orders under the hand of the\*                    for his remand  
 or for his final discharge from custody.

Given under my hand and seal at                    aforesaid this                    day  
 of                    in the year one thousand nine hundred and

A Judge of the Supreme Court of New South Wales.

\* President or Speaker (as the case may be).



Certificate to accompany the Parliamentary  
Evidence Bill.

I CERTIFY that this Bill solely consolidates, and in no way alters, adds to, or amends  
the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.

THE UNIVERSITY OF CHICAGO  
LIBRARY

THE UNIVERSITY OF CHICAGO  
LIBRARY

1911

THE UNIVERSITY OF CHICAGO  
LIBRARY

## Parliamentary Evidence Bill.

TABLE showing how the enactments consolidated have been dealt with.

Section of Repealed Act.	Section of Consolidated Act.	Remarks.
45 VICTORIA No. 5.		
1	3	
2	4, 5	
3	10	
4	6	
5	7-9	
6	12, 13	
7	11	

MEMORANDUM FOR THE DIRECTOR

The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, on the subject of the proposed acquisition of land for the establishment of a national monument in the State of California.

Section	Acres	Owner
1	100	John Doe
2	200	Jane Smith
3	300	John Doe
4	400	Jane Smith
5	500	John Doe

Legislative Council.

No. , 1901.

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## A BILL

To consolidate the law relating to the summoning, attendance, and examination of witnesses before either House of Parliament or any Committee thereof.

[MR. WISE ;—21 August, 1901.]

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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 the same, as follows:—

1. This Act may be cited as the "Parliamentary Evidence Act, Short title. 1901."

2. The Act mentioned in the First Schedule to this Act is hereby repealed. Repeal.  
First schedule.

3. In this Act—

"Assembly" means the Legislative Assembly.

"Committee" means a Committee of the Council or Assembly.

"Council" means the Legislative Council.

"President" means the President of the Council.

"Speaker" means the Speaker of the Assembly.

Interpretation.  
45 Vic. No. 5, s. 1.

4.

Witnesses how  
summoned.  
45 Vic. No. 5, s. 2.

4. (1) Any person not being a Member of the Council or Assembly may be summoned to attend and give evidence before the Council or Assembly by notice of the order of the Council or Assembly signed by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be, and personally served upon such person.

(2) Any such person may be summoned to attend and give evidence before a committee by an order of such committee signed by the chairman thereof and served as aforesaid.

Members of  
Parliament.  
*Ibid.*

5. The attendance of a Member of the Council or Assembly to give evidence before the Council or Assembly or a committee shall be procured in conformity (so far as practicable) with the mode of procedure observed in the British House of Commons.

Expenses of  
witnesses.  
*Ibid.* s. 4.

6. (1) Every witness summoned as aforesaid shall be entitled to be paid at the time of service of such notice or order his reasonable expenses consequent upon his attendance in obedience thereto according to his condition or profession, to be calculated in accordance with the scale in force for the time being for the payment of witnesses in actions in the Supreme Court.

(2) The expenses of any witness summoned at the instance of a party shall be defrayed by such party; but if the witness be summoned for any public inquiry to be examined either by the Council or Assembly or by a committee, his expenses shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund on the receipt by him of a written authority in that behalf signed by the Clerk of the Parliaments or Clerk of the Assembly or Chairman of the Committee respectively, according to the nature of the summons.

Non-attendance of  
witness to be certified  
to a Judge.  
Second Schedule.  
*Ibid.* s. 5.

7. If any witness so summoned fails to attend and give evidence in obedience to such notice or order, the President or the Speaker, as the case may be, upon being satisfied of the failure of such witness so to attend and that his non-attendance is without just cause or reasonable excuse, may certify such facts under his hand and seal to a Judge of the Supreme Court, according to the form in the Second Schedule hereto, or to the like effect.

Warrant to issue  
thereupon.  
Third Schedule.  
*Ibid.*

8. Upon such certificate any Judge of the said Court shall issue his warrant in the form in the Third Schedule hereto, or to the like effect, for the apprehension of the person named in such certificate, for the purpose of bringing him before the Council, Assembly, or Committee to give evidence.

Warrant and order  
of President or  
Speaker to be  
sufficient authority  
for acts thereunder.  
*Ibid.*

9. (1) Such warrant shall be a sufficient authority for all persons acting thereunder to apprehend the person named in such warrant, and to retain him in custody, to the intent that he may from time to time be produced for the purpose of giving evidence, or be remanded and finally be discharged from custody, pursuant to any order under the hand and seal of the President or Speaker, as the case may be.

(2) Every such order shall be a sufficient warrant for all persons acting thereunder.

10. (1) Every witness attending to give evidence before the Council, Assembly, or a Committee of the Whole shall be sworn at the bar of the House; and the customary oath shall be administered by the Clerk of the Parliaments or Clerk of the Assembly, as the case may be (or in his absence by the officer acting for him). Administration of oath. 45 Vic. No. 5, s. 3.

(2) Every witness attending to give evidence before a Committee other than a Committee of the Whole shall be sworn by the chairman of such Committee.

(3) Provided that in any case where a witness, if examined before the Supreme Court, would be permitted to make a solemn declaration or to give evidence in any other way than upon oath, a witness summoned under this Act shall be in like manner allowed to give evidence upon declaration or otherwise, as aforesaid. Declaration, &c., in lieu of oath. Ibid.

11. (1) If any witness refuses to answer any lawful question during his examination, he shall be deemed guilty of a contempt of Parliament, and may be forthwith committed for such offence into the custody of the usher of the black rod or sergeant-at-arms, and, if the House so order, to gaol, for any period not exceeding one calendar month, by warrant under the hand of the President or Speaker, as the case may be. Penalty for refusal to answer. Ibid. s. 7.

(2) Such warrant shall be a sufficient authority for all gaolers and other officers to hold the body of the person therein named for the term therein stated.

(3) No person acting under the authority of this section shall incur any liability, civil or criminal, for such act.

12. 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. Privilege of witness Ibid. s. 6.

13. If any such witness wilfully makes any false statement, knowing the same to be false, he shall, whether such statement amounts to perjury or not, be liable to penal servitude for a term not exceeding five years. Penalty for false evidence. Ibid.

## SCHEDULES.

### FIRST SCHEDULE.

Reference to Act.	Short title	Extent of repeal.
45 Vic. No. 5 ...	Parliamentary Evidence Act, 1881 ...	The whole.

SECOND

Section 7.

## SECOND SCHEDULE.

*Form of certificate.*

To His Honor

In the matter of the "Parliamentary Evidence Act, 1901," and A.B. of  
 THIS is to certify to your Honor that it hath been made to appear to me  
 that the said A.B. has been duly summoned to attend and give evidence before the  
 pursuant to the "Parliamentary Evidence Act, 1901," and that the said A.B. has failed  
 to appear, and that his non-appearance is without just cause or reasonable excuse.

Given under my hand and seal at                      this                      day of                      in the  
 year one thousand nine hundred and

President of the Legislative Council

or

Speaker of the Legislative Assembly  
 (as the case may be).

Section 8.

## THIRD SCHEDULE.

*Form of Judge's warrant.*

In the Supreme Court of )  
 New South Wales.        )

In the matter of the "Parliamentary Evidence Act, 1901," and A.B. of

To the Sheriff of New South Wales, his deputy and assistants, and to all constables  
 and other His Majesty's officers and ministers of the peace whom it may  
 concern

WHEREAS it hath this day been certified under the hand of\*                      that  
 of                      has been duly summoned to attend and give evidence before the  
 pursuant to the "Parliamentary Evidence Act, 1901," but hath failed to appear

This is to require you forthwith to apprehend the said                      and to detain  
 him in custody for the purpose of being brought before                      to give evidence and  
 there to obey all further orders under the hand of the\*                      for his remand  
 or for his final discharge from custody.

Given under my hand and seal at                      aforesaid this                      day  
 of                      in the year one thousand nine hundred and

A Judge of the Supreme Court of New South Wales.

\* President or Speaker (as the case may be).