



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1795.

An Act to provide for a Parliamentary Standing Committee on Public Works, and to define the Functions and Powers thereof, and for other purposes.

[Assented to, November 2nd, 1927.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Public Works Standing Committee Act, 1927." Short title.

2. (1) The Railways Standing Committee Act, 1912, is hereby repealed. Repeal and saving provisions.

(2) Notwithstanding such repeal the Parliamentary Standing Committee on Railways in office at the commencement of this Act shall continue to hold office until the appointment of the first Committee under this Act, and shall until that time have the same powers, rights, privileges, and functions as it would have had if the Railways Standing Committee Act, 1912, were still in force.

(3) Upon the appointment of the first Committee under this Act all inquiries pending before the Parliamentary Standing Committee on Railways and all other matters and things in course of being dealt with or done by the Parliamentary Standing Committee on Railways under the Railways Standing Committee Act, 1912, at that time shall be continued and completed under that Act by the Committee appointed under this Act, and for the purpose of such continuance and completion the said Railways Standing Committee Act, 1912, shall, subject to this section, and with the necessary modifications, still remain in force.

3. In

*Public Works Standing Committee Act.—1927.***Interpretation.**

Cf. 1089, 1912, s. 2.

3. In this Act, unless inconsistent with the context or some other meaning is clearly intended—

“Chairman” means Chairman of the Committee :

“Committee” means Parliamentary Standing Committee on Public Works appointed under the provisions of this Act :

“Member” means member of the Committee, and includes the Chairman and any temporary chairman of the Committee :

“Public Work” means any work proposed to be constructed by the Government or any person or body on behalf of the Government out of moneys to be provided by Parliament, and includes any proposed continuation, completion, repair, reconstruction or extension of any existing work or any addition to an existing work and the duplication, deviation, or alteration of any line of railway. The term includes the construction but not the repair or maintenance of any road :

“Secretary” means Secretary to the Committee.

Parliamentary Standing Committee on Public Works to be appointed.

Cf. *Ibid.*, s. 3.

4. (1) For the purposes of this Act there shall be a Committee known as the Parliamentary Standing Committee on Public Works.

(2) The first Committee shall be appointed as soon as practicable after the passing of this Act.

Constitution of the Committee—their appointment and tenure of office.

Cf. *Ibid.*, s. 4.

5. (1) The Committee shall consist of seven members of Parliament appointed by the Governor.

(2) Two of the members of the Committee shall be Members of the Legislative Council, and five of the members of the Committee shall be Members of the House of Assembly. But no responsible Minister of the Crown, nor the holder of any office of profit under the Crown, shall be a member of the Committee.

(3) Subject to section 7 the members of the Committee shall hold office for five years, but any member shall be eligible for re-appointment on the expiry of his term of office: Provided that if the term of office of any Committee expires and at the time of such expiry a new Committee has not been appointed to take office from the date of such expiry the existing Committee shall remain in office until a new Committee is appointed.

(4) The members of the Committee shall not be subject to the Public Service Act, 1916.

Declaration of members of Committee.

Cf. *Ibid.*, s. 5.

6. (1) Every person appointed a member of the Committee, before entering on the duties of his office, shall make and sign a declaration in the form of the First Schedule.

(2) Such declaration shall be made and signed before and shall be filed by the President or Deputy President of the Legislative Council, or the Speaker or Deputy Speaker of the House of Assembly, according to the House of Parliament of which the person so appointed is a member.

7. (1) The

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7. (1) The seat of any member on the Committee shall become vacant upon—

Extraordinary
vacancies.
Ibid., s. 6.

- (a) delivery to the Secretary of his resignation thereof by writing signed by him and addressed to the Governor ; or
- (b) his ceasing to be a Member of the House of Parliament from which he was appointed to the Committee, unless he so ceases by reason only of the expiration or dissolution of the Parliament, or the expiration of the term for which he holds his seat in Parliament : Provided that when a member of the Committee loses his seat in Parliament at an election he may continue in office as such member until his successor is appointed ; or
- (c) his becoming a responsible Minister of the Crown, or accepting any office of profit under the Crown ; or
- (d) his absence, without the consent in writing of the Commissioner of Public Works, from three consecutive duly summoned meetings of the Committee ; or
- (e) the dismissal of such member from his seat on the Committee by the Governor on the ground that he is incompetent to discharge his duties or that he has been neglectful in the discharge of his duties, or is otherwise not a fit and proper person to continue to be a member of the Committee.

(2) On the occurrence of any vacancy in the Committee the same shall be filled by the appointment thereto of a member of the House of Parliament to which the member whose seat has become vacant belonged. If the appointment is made during the interval between the expiration of one Parliament and the beginning of the next Parliament the Member so appointed shall be a person who before such expiration was a Member of such House.

8. (1) The Governor may, from time to time, appoint one of the members of the Committee to be the Chairman thereof.

Chairman and Vice-
Chairman.
Ibid., s. 7.

(2) The Chairman shall preside at all meetings of the Committee : Provided that at any meeting at which a quorum is present the members in attendance may, in the absence of the Chairman, appoint one of their number then present to be temporary chairman during the absence of the Chairman.

Provision for
absence of Chairman
and Vice-Chairman.

(3) Any such temporary chairman, whilst presiding at any meeting of the Committee shall, except where otherwise provided by this Act, have all the powers given by this Act to the Chairman, but he shall not have a casting vote.

(4) All questions which arise at any meeting of the Committee shall be decided by a majority of votes of the members present, who, having regard to section 17, are entitled to vote : Provided that when the votes are equal the Chairman, if entitled as aforesaid, shall have a second or casting vote, and such vote shall decide the question.

Casting vote.

(5) In

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(5) In all cases of divisions the names of the members voting on the respective sides shall be stated on the minutes and in the Committee's report on any proposed work.

Quorum.
Ibid., s. 8.

9. (1) Subject to subsection (2) of this section, any four members shall form a quorum competent to exercise all powers and authorities and to incur all obligations conferred or imposed upon the Committee.

(2) When the Committee meet for the consideration of their report on any proposed public work, or of any periodical report to be made by the Committee, the quorum shall consist of not less than six members.

Sub-committees.

10. (1) The Committee may constitute one or more sub-committees of itself for all purposes of this Act. Every such sub-committee shall be constituted at a duly convened meeting of the Committee and shall consist of two or more members appointed for the purpose.

(2) Every sub-committee shall have, and may exercise, for the purpose of carrying out any business or inquiry delegated to them by the Committee either at or after the time of their appointment, all the powers by this Act conferred on the Committee.

(3) Every sub-committee shall appoint a chairman or temporary chairman, who shall be the person to exercise the powers conferred by this Act on the Chairman of the Committee.

Salaries of Chairman
and members of
Committee.

11. (1) The Chairman shall be entitled to receive by way of remuneration for his services the sum of Four Hundred Pounds per annum, with a proportionate part thereof for every fraction of a year during which he holds office.

(2) Every member (other than the Chairman) shall be entitled to receive by way of remuneration for his services the sum of Two Hundred and Fifty Pounds per annum, with a proportionate part thereof for every fraction of a year during which he holds office.

Travelling expenses
and charges.
Cf. Ibid., s. 10.

12. (1) In addition to the salaries by this Act payable to members, every member shall be entitled to a travelling allowance for every day during which he travels in the performance of his duties as a member: Provided that no member shall be entitled to any travelling allowance in respect of a journey which is—

(a) confined within a radius of twenty miles from the General Post Office in the City of Adelaide; or

(b) merely for the purpose of attending or returning from a meeting of the Committee, except in the case of a member who resides beyond the said radius of twenty miles, who shall be entitled to an allowance of Ten Shillings in respect of any journey from his place of residence to attend a meeting in the said City.

(2) The travelling allowance shall be Fifteen Shillings for every day during which the member travels within the said State, and One Pound Ten Shillings for every day in which he travels elsewhere.

(3) Every

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(3) Every member shall also be entitled to be reimbursed all coach and other fares and hire, and similar expenses, actually incurred when travelling in the performance of his duties as a member or for the purpose of attending or returning from meetings.

(4) No member shall be entitled to receive any travelling allowance or other expenses incurred on or in respect of any journey outside the State unless the consent of the Governor to such journey was first obtained.

13. Any amounts payable to any member pursuant to this Act shall be in addition to any payment received by such member pursuant to any Act in respect of his services in the discharge of his Parliamentary duties.

Payments under this Act to be additional to payments as Members of Parliament.

Cf. *Ibid.*, s. 11.

14. The amounts to which any member is entitled pursuant to this Act shall be certified in writing signed by the Chairman and the Secretary, whose certificate shall be sufficient authority for the payment of all amounts so certified.

Fees and expenses to be certified by Chairman.

Ibid., s. 12.

15. (a) The office of Chairman or of member of the Committee shall not, on account of any payment received pursuant to this Act, be deemed to be an office of profit within the meaning of section 17 of "The Constitution Act"; and

Payments under this Act not to disqualify Member of Parliament.

Ibid., s. 13.

(b) The Chairman or a member of the Committee shall not, on account of any such payment, be deemed to undertake, execute, hold, enjoy, enter into, or accept, any contract, agreement, or commission made or entered into with, under, or from any person or persons, for or on account of the Government of the said State, within the meaning of the Act entitled "An Act to prevent Public Contractors being returned to or sitting or voting in Parliament," being the Act No. 19 of 1869-70,

so as to render vacant or void the seat in Parliament of such Chairman or member, or to render null his election to Parliament, or to render him incapable of sitting or voting as a Member of Parliament or liable to any forfeiture or penalty for so sitting or voting.

16. The Governor, on the recommendation of the Committee, may from time to time appoint a Secretary to the Committee and such other officers as he deems necessary or proper for the purposes of this Act.

Secretary and other officers may be appointed.

Ibid., s. 14.

17. No member shall take any part in the proceedings when the Committee are taking evidence as to any proposed work in which he has a direct pecuniary interest, nor shall he vote or take any part in the proceedings when the Committee are considering or reporting on such work.

Disqualification of members from taking part in certain proceedings.

Ibid., s. 15.

18. (1) The Committee shall have power to sit and transact business during any adjournment or recess of Parliament and during

Power to sit during recess.

Ibid., s. 16.

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during the interval between two Parliaments as well as during any Session of Parliament, but shall not sit during any sitting of either House of Parliament except by leave of such House.

Conduct of proceedings.

(2) The Committee may sit at such times and in such places, and conduct its proceedings in such manner as it deems most convenient for the proper and speedy dispatch of business.

Minutes.
Ibid., s. 17.

19. The Committee shall keep full minutes of its proceedings in such manner as is prescribed.

Powers of Committee.
Ibid., s. 10 (part).
Ibid., s. 18.

20. For the purposes of this Act the Committee shall have the following powers, that is to say—

- (1) Any member thereof, or any person appointed by the Committee to prosecute an inquiry, may enter and inspect any land, building, place, or material, the entry or inspection of which appears to him or them requisite, upon the prescribed notice being given to the owners or occupiers of such land, building, place, or material :
- (2) It may require, by summons under the hand of the Chairman or of the Secretary acting under the direction of the Chairman, the attendance of all such persons as it thinks fit to call before it, and may require answers or returns to such inquiries as it thinks fit to make :
- (3) It may in the prescribed manner require and compel the production of all books, maps, plans, papers, and documents relating to the matters before it :
- (4) It may examine witnesses on oath, affirmation, or declaration, which may be administered by the Chairman or temporary chairman.

Powers of Committee in respect of witnesses.
Ibid., s. 19.

21. (1) If any person—

- (a) who has been duly served with a summons to attend before the Committee, and whose expenses, as provided in subsection (4) hereof, have been paid or tendered to him, neglects to attend in obedience to such summons ; or
- (b) wilfully insults the Committee, or any member thereof ; or
- (c) misbehaves himself before the Committee ; or
- (d) interrupts the proceedings of the Committee ; or
- (e) being called or examined as a witness in any inquiry or matter pending before the Committee, refuses to be sworn or to affirm or declare, or to produce the documents mentioned in the summons served upon him, or any of them, or prevaricates in his evidence, or refuses to answer any lawful question,

the Chairman or temporary chairman may commit such person to gaol for any time not exceeding one month, or may impose on him

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a penalty not exceeding Fifty Pounds, and in default of immediate payment of such penalty, may commit the offender to gaol for any time not exceeding one month unless the fine is sooner paid.

(2) In any of the cases aforesaid a warrant in the form or to the effect of the Second Schedule may be issued by the Chairman or temporary chairman, and such warrant shall be good and valid in law without any other warrant, order, or process whatsoever; and the Commissioner of Police and all members of the Police Force, and the Sheriff, and all gaolers may and shall obey the same.

(3) When any person who has been duly served with a summons to attend as a witness before the Committee, and whose expenses, as provided in subsection (4) hereof, have been paid or tendered to him, fails to attend in obedience to such summons, the Chairman or temporary chairman upon proof of such person having been duly served with such summons, and of such expenses having been paid or tendered to him, and that his non-appearance was without just cause or reasonable excuse, may issue a warrant in the form or to the effect of the Third Schedule to bring such person before the Committee to give evidence. The provisions of subsection (2) of this section shall apply to any such warrant.

(4) Every person required by the Committee to attend shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court, and in case of dispute as to the amount to be allowed the same shall be referred to the Master of the Supreme Court who, on request under the hand of the Chairman shall ascertain and certify the proper amount of such expenses.

22. Any person who, upon oath, affirmation, or declaration taken or made under this Act, wilfully and corruptly gives any false evidence before the Committee shall be guilty of perjury and, on conviction, may be imprisoned, with or without hard labor, for any term not exceeding four years.

Punishment for
false evidence.
Ibid., s. 20.

23. (1) The Committee may from time to time in the exercise of any powers by this Act conferred on it call in the aid of one or more assessors, being persons of engineering or other technical knowledge or possessing special local knowledge or experience.

Assessors.
Ibid., s. 21.

(2) There shall be paid to such assessors such remuneration as is prescribed and is recommended by the Committee.

24. (1) The Committee shall, subject to the provisions of this Act, consider and report upon all public works which are referred to it under this Act.

Functions of
Committee.
Ibid., s. 22.

(2) In considering and reporting on any such work, the Committee shall have regard—

(a) to the stated purpose thereof;

(b) to the necessity or advisability of constructing it;

(c) where

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(c) where the work purports to be of a reproductive or revenue-producing character, to the amount of revenue which such railway or work may reasonably be expected to produce ; and

(d) to the present and prospective public value of the work ;

and generally the Committee shall, in all cases, take such measures and procure such information as may enable them to inform or satisfy the House of Assembly or Legislative Council (according to the circumstances of the case) as to the expediency of constructing the public work in question.

Duty to submit proposals for new public works to Committee.

25. (1) After the first day of July, nineteen hundred and twenty-eight, it shall not be lawful for any person to introduce into either House of Parliament any Bill—

(a) authorising the construction of any public work estimated to cost when complete more than Thirty Thousand Pounds ; or

(b) appropriating money for expenditure on any public work estimated to cost when complete more than Thirty Thousand Pounds ;

unless such public work has first been inquired into by the Committee in manner provided by this section : Provided that this requirement shall not apply with respect to a Bill appropriating money for expenditure on a public work specifically authorised by Act of Parliament before the said first day of July, nineteen hundred and twenty-eight.

(2) Any such proposed public work as referred to in the next preceding subsection may be referred to the Committee—

(a) upon motion made in the usual manner by any Minister or any other member of either House of Parliament ; or

(b) by the Governor.

(3) Upon any public work being referred to the Committee the Committee shall with all convenient despatch deal with the matter and shall as soon as conveniently practicable, regard being had to the nature and importance of the proposed work, report to the Governor and to both Houses of Parliament the result of its inquiries.

(4) Any report presented by the Committee to either House of Parliament may by resolution of that House be remitted to the Committee for their further consideration and report ; in which case the Committee shall consider the matter of the new reference and report thereon accordingly.

Power to refer any matter involving expenditure of public moneys.

26. Any question relating to any project whether a public work within the meaning of this Act or not, and irrespective of the estimated cost thereof, which, if carried out, will require the expenditure of moneys voted, or to be voted, by Parliament, may be referred to the Committee by the Governor, or upon motion made in

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in the usual manner by any Minister or any other member of either House of Parliament, for inquiry and report, and the Committee shall inquire into and report upon such question in the same manner as a public work under the next preceding section.

27. Where any proposed public work, or other matter, has under or by this Act been referred to any Committee appointed under this Act, and such Committee ceases to have legal existence before such work or matter has been reported on by such Committee, any evidence taken before such Committee shall nevertheless be considered by any subsequent Committee to whom the same work or matter is referred pursuant to this Act.

Evidence taken
before a previous
Committee.
Ibid., s. 30.

28. (1) The Committee shall, before the commencement of each Session of Parliament, make a general report to the Governor of its proceedings under this Act, and may in such report also call attention to any matter connected with the public works or proposed public works of the State on which, in its opinion, Parliament should be informed.

Periodical report.
Ibid., s. 31.

(2) Such report shall be laid before both Houses of Parliament within fourteen days after the commencement of the Session.

29. The Governor may make, alter, or repeal all such regulations as may be necessary or convenient for the purpose of giving effect to this Act.

Regulations.
Ibid., s. 32.

30. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for the purposes of this Act.

Expenses of Act to
be provided by
Parliament.
Ibid., s. 33.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

TOM BRIDGES, Governor.

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THE SCHEDULES.

Section 6.

THE FIRST SCHEDULE.

I, _____, do solemnly and sincerely promise and declare that according to the best of my skill and ability I will faithfully, impartially, and truly execute the office and perform the duties of a member of the Parliamentary Standing Committee on Public Works.

[Signature]

Section 21.

THE SECOND SCHEDULE.

FORM OF WARRANT.

The Public Works Standing Committee Act, 1927.

To the Commissioner of Police and all Members of the Police Force of South Australia and to the Keeper of the Gaol at

These are to command you the Commissioner of Police and all Members of the Police Force of South Australia to apprehend A.B. and to convey him to the above-mentioned gaol, and to deliver him to the keeper thereof, together with this warrant, and you the said keeper are hereby required to receive him into your custody in the said gaol and him there safely to keep for the term of _____ [unless the sum of _____ is sooner paid] I the undersigned Chairman [or temporary chairman] of the Parliamentary Standing Committee on Public Works, having adjudged the said A.B. to be imprisoned [or to pay a penalty of _____], and, he having made default in the immediate payment thereof, I having further adjudged him to be imprisoned] for the said term, for that he the said A.B. [here state the offence to the following effect, as the case may require]

That A.B. having been duly served with a summons to attend before the said Committee, and having had his expenses paid or tendered, neglected to attend before the said Committee [or] that A.B. wilfully insulted the said Committee [or] C.D. one of the members of the said Committee [or] that A.B. misbehaved himself before the said Committee [or] that A.B. interrupted the proceedings of the said Committee [or] that A.B. having been called or being examined as a witness in a certain inquiry or matter pending before the said Committee refused to be sworn or affirm or declare or to produce a certain document mentioned in the summons served on him, viz. :—

[or] was guilty of prevarication in his evidence or refused to answer a certain lawful question.

Given under my hand at _____ this _____ day of _____ in the year of our Lord nineteen hundred and _____

[Signature],

Chairman [or temporary chairman] of the Parliamentary Standing Committee on Public Works.

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THE THIRD SCHEDULE.

Section 21.

FORM OF WARRANT.

The Public Works Standing Committee Act, 1927.

To the Commissioner of Police and all Members of the Police Force of
South Australia.

Whereas, pursuant to the provisions of the above-mentioned Act, it has this day
been proved to me that of has been duly served with a
summons to attend and give evidence before the Parliamentary Standing Com-
mittee on Public Works, pursuant to the said Act, but has failed to attend in
obedience to such summons :

This is to require you forthwith to apprehend the said and to
detain him in custody and bring him before the said Committee to give evidence.

Given under my hand at this day of in the
year of our Lord nineteen hundred and

[*Signature*].

Chairman [*or* temporary chairman] of the Parliamentary
Standing Committee on Public Works.