

Act No. 4, 1905.

An Act to ratify and confirm the authorisation LANDS COMMISSION.
and appointment and to extend the powers of
the Commissioner appointed to make inquiry
relating to the Department of Lands, and to
other matters; to further provide for the
procedure before such Commissioner; and
for other purposes. [27th July, 1905.]

WHEREAS by Letters Patent from time to time issued under the Preamble.
Great Seal, the Honorable Mr. Justice Owen was authorised
and appointed sole Commissioner to make inquiry relating to the
Department of Lands, and certain other matters therein specified: And
whereas it is desirable to extend the powers of the said Commissioner,
and to make further provision for the procedure in such inquiry: Be
it therefore 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 "Lands Commission Act," Short title.
1905."

2.

Lands Commission.

Confirmation of
Letters Patent.

2. The authorisation and appointment of the Honorable Mr. Justice Owen as such Commissioner as aforesaid, in pursuance of the said Letters Patent, is hereby ratified and confirmed, and the said Letters Patent shall be deemed to have been validly executed and issued, and judicial notice shall be taken of the same.

Powers of
Commissioner.

3. (1) The said Commissioner shall, for the purposes of any inquiry under the said Letters Patent, or any future extension of the terms of the same, have such powers, rights, and privileges as are vested in the Supreme Court, or in any Judge thereof, on the occasion of any action in respect of the following matters:—

- (a) The enforcing the attendance of witnesses and examining them on oath, affirmation, or declaration;
- (b) The compelling the production of books and documents which the said Commissioner deems to be relevant to the inquiry;
- (c) The compelling witnesses to answer questions which the said Commissioner deems to be relevant as aforesaid; and
- (d) The punishing persons guilty of contempt or of the disobedience of any order or summons made or issued by the said Commissioner.

Proviso.

(2) Provided that where any person is required to produce any books or documents, and before any order is made for such production,—

- (a) such person shall be entitled to be heard in opposition to such production.
- (b) The Commissioner shall, if requested, privately examine such books or documents in order to determine whether they are relevant to the inquiry:

Provided also, that no person shall be punished for contempt without being afforded an opportunity to be heard in his defence:

Provided further that, for the purposes of this section, the publication of reasonable comments on proceedings before the Commissioner during the inquiry shall not be deemed contempt.

Validity of
proceedings after
Commission
dissolved.

4. A warrant or order for the arrest, detention, or imprisonment of a person for contempt or for disobedience of any order made by the Commissioner shall, notwithstanding the commission is dissolved or otherwise determined, be and remain as valid and effectual in all respects as if the commission were not so dissolved or otherwise determined, and upon such dissolution or determination all the powers, rights, and privileges of the Commissioner with respect to such warrant or order, and to a person arrested, detained, or imprisoned, or to be arrested, detained, or imprisoned by virtue thereof, shall devolve upon and be exercised by the Supreme Court or a Judge thereof; and such contempt, and a proceeding with respect thereto, shall not be in any wise affected by such dissolution or determination of the commission.

Other proceedings
after such
dissolution.

Consolidated Revenue Fund.

5. Any counsel or solicitor appointed by the Crown to assist the Commissioner, and any person who shows to the satisfaction of the Commissioner that he is substantially and directly interested in any matter, the subject of the inquiry, or that his conduct in relation to any such matter has been challenged to his detriment, and who is authorised in that behalf by the Commissioner, may appear at the inquiry. Any person so authorised may, with the consent of the Commissioner, be represented by counsel or solicitor.

Persons who may appear before Commissioner.

6. Any witness before the Commissioner may be examined or cross-examined on matters relevant to the inquiry by any person appointed or authorised as aforesaid, and in which such person is substantially and directly interested, and shall have the same protection and be subject to the same liabilities as if such examination or cross-examination were by the Commissioner.

Witness examined or cross-examined by authorised person.

7. Where it appears to the Commissioner that any person affected by any matter inquired into is at any time during the holding of the said inquiry detained or imprisoned, the Commissioner may order the attendance of such person at such inquiry, in such manner, for such time, and subject to such conditions as regards bail or otherwise as the Commissioner may deem fit.

Attendance of person detained or imprisoned.

8. Nothing in this Act shall affect the powers and liabilities and protection conferred and imposed by the Royal Commissioners Evidence Act, 1901: Provided that no person shall be liable to be punished twice for the same offence.

Savings.