

BOORABIL COMMISSION ACT.

Act No. 14, 1914.

An Act to extend the powers of the Commissioner **George V,**
No. 14. appointed to make inquiries relating to the resumption of the Boorabil Leases, and to other matters, and to further provide for the procedure before such Commissioner, and for other purposes, and to further prescribe the duties and immunities of witnesses examined before such Commissioner, and to amend and extend the provisions of the Royal Commissioner's Evidence Act, 1901; and for purposes consequent thereon or incidental thereto.
[Assented to, 23rd July, 1914.]

WHEREAS by Letters Patent issued under the Great ^{Preamble.} Seal, dated the ninth day of July, one thousand nine hundred and fourteen, the Honourable Mr. Justice Pring was authorised and appointed Sole Commissioner to make inquiry relating to the matter of the purchase by the Government of the Boorabil Estate and the adjoining improvement leases, and the administration of the Department of Lands in connection with the said purchase, and other matters connected therewith: And whereas it is desirable to extend the powers of the said Commissioner, and to make further provision for the

George V, the procedure in such inquiry, and to further prescribe
No. 14. the duties and immunities of witnesses examined before such Commissioner, and to extend the Royal Commissioner's Evidence Act, 1901: 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:—

Short title.

**Powers of
Commiss-
sioner.**

1. This Act may be cited as the "Boorabil Commission Act, 1914."

2. The Commissioner shall for the purposes of the inquiry under the said Letters Patent, or any extension of the terms of the same, have in addition to the special powers hereinafter provided all such powers, rights, and privileges as are vested in the Supreme Court, or in any Judge thereof, on the occasion of any action or trial in respect of the following matters:—

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

**Attendance
of witnesses.**

3. A summons signed by the Commissioner may be issued for enforcing the attendance of witnesses or compelling the production of books, documents, and writings. If any person having been served with such summons fails to appear the Commissioner may issue a warrant authorising such person to be apprehended and brought before him.

**Neglect to
attend.**

4. Any person summoned to attend before the Commissioner who refuses or neglects or fails to attend in pursuance of any summons shall, notwithstanding the dissolution or other determination of the Commission, be liable to punishment for contempt of the Supreme Court on the motion of the Attorney-General.

5.

5. A warrant or order for the arrest, detention, or imprisonment of a person for contempt or for disobedience of any order or summons made or issued 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 with respect 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.

6. 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.

7. Any counsel or solicitor appointed as aforesaid and any person authorised as aforesaid, or his counsel or solicitor, may with the leave of the Commissioner examine or cross-examine any witness on matters which the Commissioner deems relevant to the inquiry: Any witness so examined or cross-examined shall have the same protection and be subject to the same liabilities as if examined or cross-examined by the Commissioner.

8. A witness before the Commissioner shall not be excused from answering any question put to him on the ground of any privilege, or on the ground that the answer thereto may criminate or tend to criminate him, or upon any other ground: Provided that no evidence taken before the Commissioner shall be admissible against any person in any civil or criminal proceeding 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.

George V, No. 14. **9.** (1) Any witness before the Commissioner who, in the opinion of the Commissioner, makes a full and true disclosure touching all matters in respect of which he is examined, may, in the discretion of the Commissioner, be granted a certificate signed by the Commissioner, stating that the witness has on his examination made a full and true disclosure as aforesaid.

Indemnity to witnesses. (2) If any civil or criminal proceeding is at any time thereafter instituted against any such witness in respect of any matter touching which he has been so examined, the Court having cognizance of the case shall, on proof of the certificate, stay the proceedings, and may, in its discretion, award to the witness such costs as he may be put to in, or by reason of, the proceedings: Provided that nothing in this section shall apply to 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.

Perjury.

10. Every person who wilfully gives false evidence before the Commissioner shall be guilty of perjury and shall be punishable accordingly: Provided that no prosecution for perjury charged to have been committed before the Commissioner shall be instituted without the direction or leave of the Commissioner, or if the Commission shall have been previously dissolved or otherwise determined without the leave of a Judge of the Supreme Court.

Evidence.

11. The Commissioner in conducting the inquiry shall not be bound by the technical rules of evidence.

Extension of Royal Commissioner's Evidence Act, 1901.

12. The following section shall be read as section eleven of the Royal Commissioner's Evidence Act, 1901:—

11. In any Letters Patent issued under the Great Seal within two years after the passing of this Act appointing any Judge of the Supreme Court a Commissioner to make any inquiry, it shall be lawful for the Governor to declare that all or any specified sections of the Boorabil Commission Act, 1914, shall be applicable for the purposes of such inquiry, and the same shall thereupon be applied in the holding of the said inquiry.

13.

13. The appointment of the Honorable Mr. Justice ~~of~~ George V, Pring as such Commissioner as aforesaid is hereby **No. 14.** declared to be valid in all respects, and the pendency of ~~Pending~~ any legal proceedings in any Court shall not debar the ~~proceedings.~~ Commissioner from acting under the said Commission.

14. Nothing in this Act contained shall in any ~~saving clause.~~ respect limit the powers, rights, and privileges of the Commissioner under the Royal Commissioner's Evidence Act, 1901.