

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
25th September, 1903.

[AS AMENDED BY THE HOUSE OF REPRESENTATIVES, 5TH OCTOBER, 1903.]

Hon. Mr. Pitt.

COMMISSIONERS.

ANALYSIS.

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A BILL INTITULED

AN ACT to regulate the Inquiries and to define the Powers and Privileges of Commissioners appointed by the Governor in Council. Title.

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Commissioners Act, 1903." Short Title.
- 10 2. The Governor in Council may appoint any person or persons to be a Commission to inquire into and report upon any question arising out of the administration of the Government or the working of any existing law, or regarding the necessity or expediency of any proposed legislation, or concerning the conduct of any officer in the public service. Governor may appoint Commissioners.
- 15 3. So long as any member of any such Commission acts *bona fide* in the discharge of his duties, no action shall lie against him for anything he may report or say in the course of the inquiry. Commissioners protected.
- 20 4. Every such Commission shall for the purpose of the inquiry have the power and status of a Magistrate in respect of citing parties interested in the inquiry, summoning witnesses, administering oaths, hearing evidence, and conducting and maintaining order at the inquiry. Commissioners' powers.
- 25 5. Every summons to a witness shall be served either by delivering the same to the person summoned, or by leaving the same at his usual place of abode, at least twenty-four hours before his attendance is required. Service of summons.
- 30 6. Every witness attending and giving evidence in pursuance of any such summons, and every counsel appearing before any Commission, shall have the same privileges and immunities as witnesses and counsel in Courts of law. Protection of witnesses and counsel.

*New clauses.*Witnesses'
allowances.

7. Every witness attending in pursuance of any such summons shall be entitled to expenses for travelling and maintenance during his absence from his usual place of abode according to the scale allowed to witnesses in civil cases by the rules of the Supreme Court: 5

Provided that persons prosecuting any claim before a Commission shall not be entitled to be paid any moneys under this section.

Payment of
witnesses'
allowances.

8. (1.) Where the Commission has obtained the authority in writing of the Colonial Secretary for summoning any witness, such expenses shall, if certified by the Chairman of the Commission, be paid by the Colonial Treasurer out of the Consolidated Fund. 10

(2.) In every other case the person requiring the evidence of any witness shall, before the summons is issued, deposit with the Commission such sum of money as the Commission deems sufficient, and the expenses of the witness shall be paid out of the sum so deposited. 15

Non-attendance
&c., of witness.

9. Every person who, after being duly summoned so to attend or to produce any books, papers, writings, or documents,— 20

(a.) Fails to appear according to the exigency of such summons; or

(b.) Refuses to be sworn or to give evidence, or to make answer to such questions as may be put to him by the Commission touching the subject of the inquiry; or 25

(c.) Fails to produce any such books, papers, writings, or documents,—

is liable for every such default to a fine not exceeding *twenty* pounds:

Provided that no person so summoned shall be liable to any such fine unless at the time of the service of the summons there was made to him a payment or a tender of his travelling-expenses, according to the scale allowed to witnesses in civil cases by the rules of the Supreme Court: 30

Provided also that no person so summoned shall be bound to appear according to the exigency of the summons if, in order to appear, he would have to travel more than two hundred miles, by the usual way, from his usual place of abode to the place where he is summoned to appear. 35

Reference of point
of law to Supreme
Court.

10. (1.) The Commission may refer any disputed point of law that may arise in the course of an inquiry to the Supreme Court for decision, and for this purpose may either conclude the inquiry subject to such decision, or may at any stage of the inquiry adjourn it until after such decision is given. 40

(2.) The question shall be in the form of a special case to be drawn up by the parties (if any) to the inquiry, and, if the parties do not agree, or if there are no parties, such special case shall be settled by the Commission. 45

(3.) The decision of the Supreme Court shall be final and binding upon all parties to the inquiry and upon the Commission.

Power to award
costs.

11. The Commission, upon the hearing of an inquiry, may order that the whole or any portion of the costs of the inquiry or of any 50

party thereto shall be paid by any of the parties to the inquiry, or by all or any of the persons who have procured the inquiry to be held :

5 Provided that no such order shall be made against any person who has not been cited as a party or summoned to attend and give evidence at the inquiry.

12. Any two or more Judges of the Supreme Court may from time to time make rules prescribing a scale of costs payable in respect of any inquiry under this Act. Power to make scale of costs.

10 13. This Act shall apply to all inquiries held by Commissioners appointed by the Governor under any Act. Statutory Commissions.

14. "The Commissioners' Powers Act, 1867," and "The Commissioners' Powers Act 1867 Amendment Act, 1872," are hereby repealed : Repeal.

15 Provided that such repeal shall not affect the appointment of any Commission appointed under the repealed Acts, but otherwise the provisions of this Act shall apply to such Commissions.