
COMMONWEALTH GRANTS COMMISSION.

No. 3 of 1933.

An Act relating to a Commission to deal with the matter of Grants by the Commonwealth of financial assistance to the States.

[Assented to 30th May, 1933.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Commonwealth Grants Commission Act 1933*. Short title.

2. In this Act, unless the contrary intention appears—
“the Commission” means the Commonwealth Grants Commission constituted under this Act. Definition.

3.—(1.) There shall be a Commonwealth Grants Commission which shall consist of three members. Constitution of Commonwealth Grants Commission.

(2.) The members of the Commission shall be appointed by the Governor-General and, upon the happening of a vacancy in any office of member of the Commission, the Governor-General shall appoint a person to the vacant office.

(3.) Each appointment shall be for such term not exceeding three years as is specified in the instrument of appointment.

(4.) Where the Governor-General—

- (a) suspends a member from office in pursuance of this Act ; or
- (b) is satisfied that a member will, for a period not less than one month, be unable to act as such member,

he may appoint a person to act as the deputy of that member during his suspension or inability to act, and the deputy shall, while so acting, have all the powers and perform all the duties of a member of the Commission.

Chairman.

4.—(1.) The Governor-General shall appoint one of the members of the Commission to be the Chairman of the Commission, and in the event of the Governor-General—

- (a) suspending from office, in pursuance of this Act, the member who has been appointed Chairman ; or
- (b) being satisfied that the Chairman will, for a period not less than one month, be unable to act as Chairman,

he shall appoint one of the other members of the Commission to act as Chairman during the suspension of the Chairman or during his inability to act, as the case may be.

(2.) Where the Chairman is absent from any meeting of the Commission and a member has not been appointed under the last preceding sub-section to act as Chairman, the members of the Commission present shall appoint one of their number to preside at that meeting.

Remuneration and expenses of members.

5.—(1.) The Chairman of the Commission shall receive a salary of Three hundred pounds a year and each of the other members of the Commission shall receive a salary of Two hundred pounds a year.

(2.) Each member of the Commission shall, in addition to the salaries provided in the last preceding sub-section, and each deputy of a member shall, receive a fee of Five guineas for each day upon which he attends a meeting of the Commission.

(3.) There shall be paid to each member, and to each deputy of a member, of the Commission, on account of his expenses in travelling to discharge the duties of his office, such sums as are prescribed.

(4.) The salaries, fees and expenses payable under this section shall be subject to reduction in accordance with the provisions of the *Financial Emergency Act 1931-1932*, and in accordance with any Act amending or in substitution for that Act.

Sittings of the Commission.

6. Meetings of the Commission may be convened by the Chairman, whenever he thinks proper, and shall be convened by him whenever he is requested so to do by the Minister.

Quorum.

7.—(1.) For the conduct of business any two members of the Commission (including any deputy of a member) shall be a quorum.

(2.) If at any meeting of the Commission the members present are equally divided in opinion upon any matter, the determination of the matter shall be postponed until all the members are present.

8.—(1.) The Governor-General may suspend any member from office for misbehaviour or incapacity.

Suspension of member.

(2.) The Minister shall cause to be laid before each House of the Parliament, within seven sitting days of that House after the date of the suspension, a full statement of the grounds of the suspension.

(3.) If within sixty days after a statement of the cause of suspension of a member has been laid before both Houses of the Parliament an address is presented to the Governor-General by both Houses of the Parliament praying for the restoration of that member to office, the member shall be restored accordingly; but if no such address is so presented the Governor-General may confirm the suspension and declare the office of that member to be vacant and the office shall thereupon become and be vacant.

(4.) A member who is suspended from office under sub-section (1.) of this section shall not be paid salary in respect of the period of his suspension unless and until he is restored to office under the last preceding sub-section.

9. The Commission shall inquire into and report to the Governor-General upon—

Functions of the Commission.

- (a) applications made by any State to the Commonwealth for the grant by the Parliament of financial assistance in pursuance of section ninety-six of the Constitution;
- (b) any matters relating to grants of financial assistance made in pursuance of that section by the Parliament to any State which are referred to the Commission by the Governor-General; and
- (c) any matters relating to the making of any grant of financial assistance by the Parliament to any State in pursuance of that section, which are referred to the Commission by the Governor-General.

10. All evidence given by witnesses appearing before the Commission shall be on oath or affirmation.

Evidence to be on oath.

11. The Chairman, or any member of the Commission acting or presiding as Chairman, may administer an oath or affirmation to any person appearing as a witness before the Commission.

Administration of oaths.

12. If a person, who has taken an oath or affirmation as a witness before the Commission, refuses or fails, without reasonable excuse, to answer any question relevant to the inquiry being made by the Commission which is put to him either by a member of the Commission or, with the authority of the Commission, by any person authorized by the Commission to appear before it, he shall be guilty of an offence.

Penalty for refusing to give evidence.

Penalty: Five hundred pounds.

13. Any witness before the Commission who knowingly gives false testimony touching any matter, material in the inquiry being made by the Commission, shall be guilty of an indictable offence.

Giving false testimony.

Penalty: Imprisonment for five years.

Report to be
laid before
Parliament.

14.—(1.) The Minister may cause any report made under section nine of this Act to be laid before each House of the Parliament and shall, before any proposed law relating to the subject of the report originates in the Parliament, cause the report to be laid before each House thereof.

(2.) The Minister may cause to be attached to any report laid before the Houses of the Parliament in pursuance of this section such statement, recommendation or comment by him as he thinks proper.

Regulations.

15. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for—

- (a) regulating the practice and procedure of the Commission ; and
 - (b) prescribing the form in which applications for financial assistance shall be made.
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