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Robyn Webb  
Chief Parliamentary Counsel  
Dated 20 December 2019



TASMANIA

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## **PUBLIC WORKS COMMITTEE ACT 1914**

**No. 32 of 1914**

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### **SCHEDULE 1**



## **PUBLIC WORKS COMMITTEE ACT 1914**

**No. 32 of 1914**

**An Act to provide for the establishment of a Parliamentary  
Standing Committee on Public Works**

**[Royal Assent 6 February 1915]**

Be it enacted by His Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

### **PART I – PRELIMINARY**

#### **1. Short title**

This Act may be cited as the *Public Works  
Committee Act 1914*.

#### **2. Interpretation**

In this Act, unless the contrary intention  
appears –

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***building or construction works*** means any building work, civil engineering work or engineering work, whether such work is a continuation, completion, repair, reconstruction, extension, de-commissioning, demolition or new work, but does not include any road or bridges works;

***public work*** means –

- (a) building or construction works;  
and
- (b) road or bridges works;

***relevant monetary threshold***, in relation to –

- (a) building or construction works – means \$8 000 000; or
- (b) road or bridges works – means \$15 000 000;

***road or bridges works*** means any work in relation to the following:

- (a) roads, within the meaning of the *Roads and Jetties Act 1935*;
- (b) any carriageway, track, or path, for –
  - (i) any vehicle that travels on land; or
  - (ii) trains, trams, buses or motorised bicycles; or

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(iii) any self-propelled object that is designed for the carriage of humans or objects;

(c) footpaths, bicycle paths or paths or trails for pedestrians or animals;

(d) bridges –

whether such work is a continuation, completion, repair, reconstruction, extension, decommissioning, or demolition, of a road, carriageway, track, path, trail or bridge, is new such work or is for the purposes of the permanent closure of a road, carriageway, track, path, trail or bridge;

*vehicle* has the same meaning as in the *Vehicle and Traffic Act 1999*.

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**PART II – PARLIAMENTARY STANDING  
COMMITTEE ON PUBLIC WORKS**

**3. Constitution of Committee**

- (1) At the commencement of the first session of every Parliament, a Joint Committee of Members of the Legislative Council and House of Assembly, to be called “The Parliamentary Standing Committee on Public Works” (in this Act referred to as “the Committee”), shall be appointed, where not otherwise provided, according to the practice regulating the selection of Members to serve on Select Committees of the said Council and Assembly respectively.
- (2) Two of the persons so to be appointed shall be Members of the Legislative Council, and three shall be Members of the House of Assembly.
- (3) Ministers of the Crown, the President of the Legislative Council, and the Speaker of the House of Assembly, shall not be appointed or continue as members of the Committee.
- (4) Such five persons shall hold office as a Joint Committee (subject to the provisions of section four) for the duration of the House of Assembly for the time being, but shall cease to hold office as soon as such Assembly expires by dissolution or effluxion of time; and shall have and may exercise such powers and authorities, perform such duties, and be liable to such obligations as are by this Act vested in or imposed upon such Committee.

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- (5) The names of the persons from time to time appointed to be members of such Committee shall be notified in the *Gazette* with all convenient dispatch.
- (6) The election of members of the Committee by the House of Assembly shall be conducted on the principle adopted with regard to the election of Members of that House.

**4. Vacancies**

- (1) Any member of the Committee may resign his seat on such Committee, by writing under his hand, addressed to the Governor. The seat of any such Member shall also be deemed to have become vacant for any reason which would vacate his seat as a Member of the Council or Assembly (as the case may be).
- (2) Where a vacancy occurs in the Committee, it shall be filled by appointment as aforesaid, within the next thirty sitting days of the House of Assembly, occurring after the happening of the vacancy: Provided that, if the vacancy arises when the Parliament is not in session, or, if the vacancy having arisen when the Parliament was in session remains unfilled when the Parliament is not in session, the Governor shall appoint a Member of Parliament to temporarily fill the vacancy until it shall be filled by appointment as aforesaid within the said thirty sitting days.

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**5. Quorum**

Any three members of the Committee shall form a quorum competent to exercise all powers and authorities, and to incur all obligations conferred or imposed by this Act upon the Committee, but any reports and recommendations to Parliament must be approved by a majority of the whole Committee.

**6. Chairman and Vice-Chairman**

There shall be a Chairman and Vice-Chairman of the Committee, who shall be elected by the members of the Committee at their first meeting, or as soon thereafter as is practicable. The Chairman, or, in case of his absence or other disability, the Vice-Chairman, shall preside at all meetings of the Committee: Provided that at any meeting of the Committee at which a quorum is present, the members in attendance may, in the absence of the Chairman and Vice-Chairman, appoint one of their number then present to be temporary Chairman, and the temporary Chairman shall have, during the absence of the Chairman and Vice-Chairman, all the powers given by this Act to the Chairman or Vice-Chairman.

**7. Secretary**

- (1) The Governor shall appoint, on the joint recommendation of the President of the Legislative Council and the Speaker of the House of Assembly, a secretary of the

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Committee from amongst the officers of the two Houses of Parliament, who shall perform all duties required of him by the Committee as such secretary, and shall receive such salary and remuneration as the Governor may approve.

- (2) Notwithstanding subsection (1) of section twenty-one of the *Acts Interpretation Act 1931*, in the event of the sickness or absence of the secretary, or his inability to act, the President of the Legislative Council and the Speaker of the House of Assembly may jointly select one of the officers of the Houses of Parliament to act in the place of the secretary for such period or until such date as the President and Speaker may jointly determine, and while so acting that officer shall, for all purposes, be regarded as the secretary.

**8. Voting**

- (1) The Chairman of the Committee shall have a deliberative vote only. When the votes are equal the question shall pass in the negative.
- (2) In all cases of divisions, the names of the persons voting shall be stated in the minutes and in the report.

**9. Power to sit during recess and with open doors**

The Committee may sit and transact business during any adjournment or recess, and may sit at such times and in such places, and conduct their proceedings in such manner, as they may deem

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proper, and such Committee shall sit with open doors.

**10. Reports**

The Committee shall, before the commencement of each session of Parliament, make a report to the Governor of their proceedings under this Act; and such report shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and, if not, then within fourteen days after the commencement of the next session.

**11. Minutes**

The Committee shall keep full minutes of their proceedings in such manner as the Governor directs.

**12. Evidence taken before previous Committees**

Where any public work is referred to any Committee, and such Committee lapses or ceases to have legal existence before it reports on such public work, the evidence taken before such Committee shall, nevertheless, be considered by any subsequent Committee to whom the public work may be referred for report pursuant to this Act as if such evidence had been given before and for the information and guidance of such subsequent Committee.

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**PART III – POWERS OF THE COMMITTEE**

**13. Power to enter land, &c.**

The Committee may, by themselves or by any person appointed by them to prosecute any inquiry, enter and inspect any land, building, place, or material, the entry or inspection of which appears to them requisite, upon the prescribed notice being given to the owners or occupiers of such land, building, place, or material.

**14. Power to summon witnesses**

- (1) The Committee may summon witnesses to appear before it to give evidence and produce documents.
- (2) A summons to a witness may be in accordance with form A in the schedule, and shall be signed by the Chairman or Vice-Chairman.
- (3) A summons to a witness may be served upon the witness either personally or by being left at or sent by post to his usual place of business or abode.

**15. Functions of Committee**

- (1) The Committee shall, subject to the provisions of this Act, consider and report upon every public work that is proposed to be undertaken by a general government sector body, except any public work which hereafter may be withdrawn

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from the operation of this Act by a resolution withdrawing same adopted by each House of Parliament (and whether such work is a continuation, completion, repair, reconstruction, extension, or new work), in all cases where the estimated cost of completing the work exceeds the relevant monetary threshold in relation to the work.

- (2) In considering and reporting on any work, the Committee shall have regard to –
- (a) the stated purpose thereof;
  - (b) the necessity or advisability of carrying it out; and where the work purports to be of a reproductive or revenue producing character, the amount of revenue which it may reasonably be expected to produce; and
  - (c) 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 Parliament as to the expedience of carrying out the work.

- (3) In this section –

***general government sector body*** means –

- (a) a Government department within the meaning of the *State Service Act 2000*; and

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- (b) any State authority classified as an entity within the general government sector in the Treasurer's annual report;

*State authority* means a body or authority, whether incorporated or not, that is established or constituted under a written law or under the royal prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister or another State authority, but does not include a Government department within the meaning of the *State Service Act 2000*;

*Treasurer's annual report* means the annual report prepared by the Treasurer under section 40 of the *Financial Management Act 2016*.

**16. Conditions precedent to commencing public works**

- (1) No public work to which section fifteen applies (except such works as have already been authorized by Parliament or hereafter may be withdrawn from the operation of this Act by a resolution withdrawing same adopted by each House of Parliament), the estimated cost of completing which exceeds the relevant monetary threshold in relation to such work, and whether such work is a continuation, completion, repair, reconstruction, extension, or new work, shall be commenced unless it has first been referred to

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and reported upon by the Committee in accordance with this section.

- (2) The Governor shall by writing under his hand addressed to the Committee refer every proposed public work that exceeds the relevant monetary threshold in relation to such work to the Committee for their report thereon.
- (3) With every such reference to the Committee there shall be furnished to the Committee an estimate of the cost of such work when completed, together with such plans and specifications or other descriptions as the Minister administering the *Public Works Construction Act 1880* for the time being deems proper, together with the prescribed reports on the probable cost of construction and maintenance, and an estimate of the probable revenue, if any, to be derived therefrom. Such estimates, plans, specifications, descriptions, and reports to be authenticated or verified in the prescribed manner.
- (4) The Committee shall, with all convenient dispatch, 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 House of Assembly, if the House of Assembly is then in session, and, if not, to the Governor, the result of their inquiries.
- (5) If in a report under subsection (4) of this section, the Committee does not recommend the carrying out of the work to which the report relates, that

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work shall not be commenced unless and until it has been authorized by an Act.

**17. Power of House of Assembly or Legislative Council to extend Act**

The House of Assembly or Legislative Council may by resolution, with respect to any public work the estimated cost of which does not exceed the relevant monetary threshold in relation to such work, direct that the same shall be referred to the Committee, in which case all the powers and provisions of this Act shall be applicable to such work.

18. . . . .

**19. Warrant in case of disobedience to summons**

- (1) If any witness upon whom a summons under this Act has been served after the tender of prescribed expenses, fails to appear or to continue in attendance in obedience to the summons, the Chairman or Vice-Chairman may issue a warrant for his apprehension.
- (2) The warrant may be in accordance with form B in the schedule, and shall authorize the apprehension of the witness, and his being brought before the Committee to give evidence, and his detention in custody for that purpose until he is released by order of the Chairman or Vice-Chairman.

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- (3) The warrant may be executed by the person to whom it is addressed or by any person whom he appoints to assist him in its execution, and the person executing the warrant shall have power to break and enter any building, place, or ship for the purpose of executing it.

**20. Penalty for disobedience to summons**

If any witness, upon whom a summons under this Act has been served, fails, without reasonable excuse (proof whereof shall lie upon him), to appear or to continue in attendance in obedience to the summons, he shall be guilty of an offence against this Act.

**21. Preventing witnesses from giving evidence**

Whoever, by act or omission, knowingly dissuades or prevents any witness from obeying a summons under this Act, shall be guilty of an offence against this Act.

**22. Power to take evidence**

- (1) The Committee may examine witnesses upon their solemn declaration, and such examination shall be conducted in accordance with the Standing Orders of the House of Assembly in the case of Select Committees.
- (2) Section 2A of the *Parliamentary Privilege Act 1957* is incorporated with this Act.

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**23. Penalty for refusing to be sworn, &c.**

If any witness refuses, without just cause (proof whereof shall be upon him), to make such declaration or to answer any question put to him by the Committee, or by any member thereof, or to produce any document which he is required by the Committee to produce, he shall be guilty of an offence against this Act.

24. . . . .

**25. Privileges of witnesses**

Every witness summoned to appear, or appearing before the Committee, shall have the same protection and privilege as a witness in a case tried in the Supreme Court.

**26. Protection of witnesses**

Whoever uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage to any person for or on account of his having appeared as a witness before the Committee, or for or on account of any evidence lawfully given by him before the Committee, shall be guilty of an offence against this Act.

**27. Witnesses' expenses**

Every witness appearing before the Committee to give evidence shall be entitled to be paid such

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witnesses' fees and travelling expenses as the Chairman or Vice-Chairman thinks fit to allow in accordance with a scale prescribed by the Governor.

28. . . . .

**29. Proceedings to be instituted by Attorney-General only**

Proceedings for offences against this Act shall be instituted only by the Attorney-General, or by his direction.

**30. Punishment of offenders**

A person convicted of an offence against this Act shall, if no higher penalty is provided, be punishable by a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months.

**31. Assessors**

- (1) The Committee may, in the exercise of any powers by this Act conferred on them, call in the aid of one or more assessors, who shall be persons of engineering or other technical knowledge, or possessing special local knowledge or experience.
- (2) There shall be paid to such assessors such remuneration as the Committee may recommend

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and the Governor may approve and as  
Parliament may provide.

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Part IV – Miscellaneous

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**PART IV – MISCELLANEOUS**

**32. Transitional provisions consequent on enactment of *Public Works Committee Amendment Act 2019***

(1) In this section –

*amending Act* means the *Public Works Committee Amendment Act 2019*;

*amendment day* means the day on which the amending Act commences.

(2) If –

(a) any public work is, before the amendment day, referred to the Committee under this Act; and

(b) the Committee has not, before that day, reported under this Act on the public work –

the provisions of this Act as in force immediately before the amendment day continue to apply to and in relation to the public work as if the amendments to this Act made by the amending Act had not commenced.

33 - 34. . . . .

**35. Office of profit**

Nothing in this Part shall be taken to constitute the office of any member of the said Committee

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an office of profit so as to render such member incapable of sitting or voting as a Member of the Legislature, or to make void the election of such member.

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**SCHEDULE 1**

Sections 14, 19

**Form A**

STATE OF TASMANIA.

*Public Works Committee Act 1914.*

SUMMONS TO A WITNESS.

To

You are hereby summoned to appear before the Standing Parliamentary Committee on Public Works on the day of 19, at o'clock in the noon at then and there to give evidence and then and there to produce and you are required to continue in attendance, as directed by the said Committee or the Chairman thereof, until your attendance is no longer required.

Dated the day of 19 .

(Chairman or Vice-Chairman of the Committee).

**Form B**

STATE OF TASMANIA.

*Public Works Committee Act 1914.*

WARRANT FOR THE APPREHENSION OF A WITNESS WHO HAS DISOBEYED  
A SUMMONS.

Whereas has been summoned to appear before the Standing Parliamentary Committee on Public Works, but has failed to appear in obedience to the summons; these are, therefore, to command and authorize you to forthwith apprehend the said and to bring him before the said Committee to give evidence and to detain him in custody for that purpose until he is released by order of the Chairman.

Given at the day of 19 .

To

(Chairman.)

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**NOTES**

The foregoing text of the *Public Works Committee Act 1914* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 12 December 2019 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Public Works Committee Act 1914</i>	No. 32 of 1914	6.2.1915
<i>Public Works Committee Act 1915</i>	No. 3 of 1915	9.7.1915
<i>Public Works Committee Act 1917</i>	No. 2 of 1917	23.8.1917
<i>Public Works Committee Act 1919</i>	No. 51 of 1919	24.12.1919
<i>Criminal Code Act 1924</i>	No. 69 of 1924	4.4.1924
<i>Statute Law Revision Act 1934 and proclamations thereunder</i>	No. 78 of 1934	13.12.1934
<i>Public Works Committee Act 1948</i>	No. 16 of 1948	20.7.1948
<i>Parliamentary Salaries and Allowances Act 1948</i>	No. 59 of 1948	15.12.1948
<i>Public Works Committee Act 1954</i>	No. 2 of 1954	14.4.1954
<i>Public Works Committee Act (No. 2) 1954</i>	No. 82 of 1954	1.7.1954
<i>Public Works Committee Act 1962</i>	No. 7 of 1962	19.4.1962
<i>Public Works Committee Act (No. 2) 1962</i>	No. 58 of 1962	11.12.1962
<i>Public Works Committee Act 1964</i>	No. 66 of 1964	1.10.1964 (ss. 5-6) 17.12.1964 (ss. 2-4)
<i>Decimal Currency Act 1965</i>	No. 55 of 1965	14.2.1966
<i>Public Works Committee Act 1967</i>	No. 61 of 1967	7.12.1967
<i>Public Works Committee Act 1970</i>	No. 65 of 1970	23.12.1970
<i>Parliamentary Salaries and Allowances Act 1973</i>	No. 27 of 1973	1.7.1973
<i>Public Works Committee Act 1974</i>	No. 26 of 1974	16.5.1974
<i>Public Works Committee Act 1975</i>	No. 89 of 1975	22.12.1975
<i>Public Works Committee Amendment Act 1980</i>	No. 5 of 1980	30.4.1980
<i>Public Works Committee Amendment Act 1983</i>	No. 7 of 1983	23.5.1983
<i>Penalty Units and Other Penalties</i>	No. 43 of 1991	18.12.1991

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Act	Number and year	Date of commencement
<i>Amendment Act 1991</i>		
<i>Parliamentary Standing Committees (Miscellaneous Amendments) Act 1999</i>	No. 38 of 1999	16.7.1999
<i>Public Works Committee Amendment Act 2001</i>	No. 108 of 2001	17.12.2001
<i>Evidence (Consequential Amendments) Act 2001</i>	No. 80 of 2001	1.7.2002
<i>Public Works Committee Amendment Act 2009</i>	No. 21 of 2009	16.6.2009
<i>Financial Management and Audit Amendment Act 2012</i>	No. 24 of 2012	12.7.2012
<i>Financial Management (Consequential and Transitional Provisions) Act 2017</i>	No. 4 of 2017	1.7.2019
<i>Public Works Committee Amendment Act 2019</i>	No. 42 of 2019	12.12.2019

**TABLE OF AMENDMENTS**

Provision affected	How affected
Section 2	Repealed by 25 Geo. V No. 78 Inserted by No. 42 of 2019, s. 4
Section 3	Amended by 6 Geo. V No. 3, s. 5, 25 Geo. V No. 78 and No. 38 of 1999, s. 4
Section 4	Amended by 8 Geo. V No. 2, s. 2
Section 7	Amended by No. 65 of 1970, s. 2
Section 15	Amended by 10 Geo. V No. 51, s. 2, No. 16 of 1948, s. 2, No. 2 of 1954, s. 2, No. 7 of 1962, s. 2, No. 66 of 1964, s. 2, No. 65 of 1970, s. 3, No. 26 of 1974, s. 2, No. 89 of 1975, s. 2, No. 5 of 1980, s. 3, No. 7 of 1983, s. 3, No. 108 of 2001, s. 4, No. 21 of 2009, s. 4, No. 24 of 2012, s. 10, No. 4 of 2017, Sched. 1 and No. 42 of 2019, s. 5
Section 16	Amended by 10 Geo. V No. 51, s. 3, No. 16 of 1948, s. 3, No. 2 of 1954, s. 3, No. 7 of 1962, s. 3, No. 58 of 1962, s. 2, No. 66 of 1964, s. 3, No. 65 of 1970, s. 4, No. 26 of 1974, s. 3, No. 89 of 1975, s. 3, No. 5 of 1980, s. 4, No. 7 of 1983, s. 4, No. 108 of 2001, s. 5, No. 21 of 2009, s. 5 and No. 42 of 2019, s. 6
Section 17	Amended by No. 16 of 1948, s. 4, No. 2 of 1954, s. 4, No. 7 of 1962, s. 4, No. 66 of 1964, s. 4, No. 65 of 1970, s. 5, No. 26 of 1974, s. 4, No. 89 of 1975, s. 4, No. 5 of 1980, s. 5, No. 7 of 1983, s. 5, No. 108 of 2001, s. 6, No. 21 of 2009, s. 6 and No. 42 of 2019, s. 7
Section 18	Repealed by No. 58 of 1962, s. 3

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Provision affected	How affected
Section 22	Amended by No. 80 of 2001, Sched. 1
Section 24	Repealed by 14 Geo. V No. 69, s. 3 and Sched. 2
Section 28	Repealed by 25 Geo. V No. 78
Section 30	Amended by No. 55 of 1965, s. 5 and No. 43 of 1991, s. 5 and Sched. 1
Section 32	Amended by No. 59 of 1948, s. 10 Substituted by No. 82 of 1954, s. 2, No. 58 of 1962, s. 4 Amended by No. 66 of 1964, s. 5 Repealed by No. 27 of 1973, s. 2 Inserted by No. 42 of 2019, s. 9
Section 33	Repealed by No. 27 of 1973, s. 2
Section 34	Amended by No. 66 of 1964, s. 6 Repealed by No. 61 of 1967, s. 2

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