

WESTERN AUSTRALIA

PARLIAMENTARY PAPERS ACT 1891

An Act to give protection to persons employed in the Printing and Publication of Papers by order or authority of the Legislative Council or Legislative Assembly or a Committee thereof respectively, and to facilitate the proof of Acts of Parliament and Parliamentary Papers.

Preamble

WHEREAS it is essential to the due and effectual exercise and discharge of the functions and duties of the Legislature that no obstructions or impediments should exist to the publication of such of the Reports, Papers, Votes, and Proceedings of the Legislative Council and Assembly as the said Council or Assembly may deem fit or necessary to be published; and whereas obstructions or impediments to such publication may hereafter arise by means of civil or criminal proceedings being taken against persons employed by or acting under the authority of the said Council or Assembly in the publication of such Reports, Papers, Votes or Proceedings by reason and for remedy whereof it is expedient that protection should be afforded to all persons acting under the authority aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Proceedings against persons for publication of papers printed by order of the Legislative Council or Assembly to be stayed

1. It shall and may be lawful for any person or persons who shall be a defendant or defendants in any civil proceeding commenced in any manner soever for or on account or in respect of the publication of any report, paper, votes or proceedings of the Legislative Council or

Legislative Assembly by such person or persons, or by his, her, or their servant or servants, by or under the authority of the Legislative Council or Assembly of the said Colony to bring before the Court in which such proceeding shall have been, or shall be so commenced, or before any Judge of the same, first giving 24 hours' notice of his intention so to do to the prosecutor or plaintiff in such proceeding, a certificate under the hand of the President or Speaker of the said Legislative Council or Assembly, or of the Clerk of the said Council or Assembly, stating that the report, paper, votes or proceedings, as the case may be, in respect whereof such civil proceedings shall have been commenced was published by such person or persons, or by his, her, or their servants, by order, or under the authority of the said Council or Assembly, or a Committee thereof, together with an affidavit verifying such certificate.

And such Court or Judge shall thereupon immediately stay such civil proceeding, and the same and every writ or process issued therein shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

[Section 1 amended by 1 and 2 Edwardi VII. No. 14 Third Schedule.]

Proceedings to be stayed when commenced in respect of publication of copy of authenticated report, etc.

2. In case of any civil proceeding to be commenced for or on account or in respect of the publication of any copy of such report, paper, votes or proceedings, it shall be lawful for the defendant or defendants at any stage of the proceedings to lay before the Court or Judge such report, paper, votes or proceedings, and such copy with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy.

And the Court or Judge shall immediately stay such civil proceedings, and the same and every writ of process issued therein shall be, and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

[Section 2 amended by 1 and 2 Edwardi VII. No. 14 Third Schedule.]

In proceeding for printing any extract or abstract, may be shown that such publication was *bona fide*

3. It shall be lawful, in any civil proceeding to be commenced for printing any extract from or abstract of such report, paper, votes or proceedings, to give in evidence such report, paper, votes or proceedings, and to show that such extract or abstract was published *bona fide* and without malice.

And if such shall be the opinion of the jury, a verdict of 'not guilty' shall be entered for the defendant or defendants.

[Section 3 amended by 1 and 2 Edwardi VII. No. 14 Third Schedule.]

Protection concerning speeches in Parliament

3A. (1) A person to whom this section applies does not incur any civil liability as for defamation by the publication, upon the written request of a member of either House of Parliament, of any defamatory matter in a copy in writing of a speech, or extract from a speech, made in Parliament by that member.

(2) For the purposes of subsection (1), a copy in writing of a speech, or extract from a speech, made in Parliament by a member of either House of Parliament shall be taken to include any material not attributed to that member but included in the official report of his speech in Parliamentary Debates (Hansard).

(3) This section applies to—

- (a) a person employed as a member of the Parliamentary Reporting Staff;
- (b) an employee of Parliament;
- (c) the Government Printer; and
- (d) a person employed in the Government Printing Office.

[Section 3A inserted by No. 46 of 1985 s.2.]

Proof of Acts, reports, votes and proceedings, etc.

4. A Copy of any Ordinance or Act of the Legislature now in force or hereafter to be passed, and of any report, or paper, or votes and proceedings of the Legislative Council or Legislative Assembly or of any Committee thereof respectively, purporting to be printed by the Government Printer or by the authority of either House or of a Committee of either House, shall be received in evidence in all cases whatever without proof of its being such copy, and it shall not be necessary in any case to prove that such copy was printed by such authority.

[5. Section 5 repealed by 1 and 2 Edwardi VII. No. 14 Third Schedule.]

Citation

6. This Act may be cited as the *Parliamentary Papers Act 1891*.

[Section 6 inserted by No. 81 of 1966 Schedule.]

NOTES

¹ This reprint is a compilation as at 8 August 1986 of the *Parliamentary Papers Act 1891* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Parliamentary Papers Act 1891</i>	54 Victoriae No. 3 1891	26 February 1891	26 February 1891	Citation inserted by No. 81 of 1966 Schedule
<i>Criminal Code Act 1902, Third Schedule</i>	1 and 2 Edwardi VII. No. 14 1902	19 February 1902	1 May 1902 (See s. 2)	
<i>Statute Law Revision (Short Titles) Act 1966, Schedule</i>	81 of 1966	12 December 1966	12 December 1966	
<i>Parliamentary Papers Amendment Act 1985</i>	46 of 1985	17 September 1985	15 October 1985	Operates 28 days after assent