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Act 1984* as at 9 October 1987.

WESTERN AUSTRALIA

PARLIAMENTARY PRIVILEGES ACT 1891

ARRANGEMENT

- Sec.
- Preamble
 1. Privileges, powers etc., of Council and Assembly
 2. Printed copies of journals of House of Commons to be evidence
 3. Designation of Legislature
 4. Power to order the attendance of persons
 5. Order to attend to be notified by summons
 6. Attendance of members
 7. Objection to answer questions or produce documents to be reported to the House
 8. Houses empowered to punish summarily for certain contempts
 9. President or speaker to issue warrant
 10. Persons disturbing proceedings of House may be arrested without warrant
 11. Form of warrant
 12. Sheriff's officers, constables and others to assist in execution of warrant or verbal order
 13. Doors may be broken open in executing a warrant
 14. House may direct Attorney General to prosecute instead of proceeding summarily
 15. House may direct Attorney General to prosecute for other contempts
 17. Citation

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AN ACT for defining the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Western Australia, respectively.

Preamble

WHEREAS by an Act intituled 'An Act to confer a Constitution on Western Australia, and to grant a Civil List to Her Majesty,' it was amongst other things enacted that there should be established in Western Australia, in place of the Legislative Council then subsisting, a Legislative Council and a Legislative Assembly to be severally constituted as therein provided; And further that it should be lawful for the Legislature of the said Colony, by any Act to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly, and by the members thereof respectively, provided that no such privileges, immunities, or powers should exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament or the members thereof: 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:—

Privileges, powers etc., of Council and Assembly

1. The Legislative Council and Legislative Assembly of Western Australia respectively, and the Committees and members thereof respectively, shall hold, enjoy, and exercise such and the like privileges,

immunities, and powers as, and the privileges, immunities, and powers of the said Council and Assembly, and of the Committees and members thereof, respectively, are hereby defined to be the same as are, at the time of the passing of this Act, or shall hereafter for the time being be, held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland and by the Committees and members thereof, so far as the same are not inconsistent with the said recited Act or this Act, whether such privileges, immunities, or powers are or shall be, held, possessed, or enjoyed by custom, statute or otherwise. Provided always, that with respect to the powers hereinafter more particularly defined by this Act, the provisions of this Act shall prevail.

Printed copies of journals of House of Commons to be evidence

2. Subject to the provisions of this Act, any copy of the journals of the House of Commons printed, or purporting to be printed by the order or printer of the House of Commons, shall be received as *prima facie* evidence without proof of its being such copy, upon any inquiry touching the privileges, immunities, and powers of the said Council or Assembly, or of any Committee or member thereof respectively.

Designation of Legislature

3. The Legislature of Western Australia shall be and is hereby designated 'The Parliament of Western Australia'.

Power to order the attendance of persons

4. Each House of the Parliament of the said Colony, and any Committee of either House, duly authorized by the House to send for persons and papers, may order any person to attend before the House or before such Committee, as the case may be, and also to produce to such House or Committee any paper, book, record, or other document in the possession or power of such person.

Order to attend to be notified by summons

5. Any such order to attend or to produce documents before either House shall be notified to the person required to attend or to produce documents by a summons under the hand of the President or Speaker as the case may be, and any such order to attend or to produce documents before any such Committee shall be notified to the person required to attend or to produce documents by a summons under the hand of the Clerk of the House authorized by the Chairman of the Committee.

And in every such summons shall be stated the time and place when and where the person summoned is to attend, and the particular documents which he is required to produce.

And such summons shall be served on the person mentioned therein, either by delivering to him a correct copy of such summons, or by leaving a correct copy of the same with some adult person at his usual or last known place of abode in the Colony.

And there shall be paid or tendered to the person so summoned a reasonable sum for his expenses of attendance.

Attendance of members

6. A member of either House may be ordered by the House of which he is a member to attend before either House, or before any Committee of either House, without summons.

Objection to answer questions or produce documents to be reported to the House

7. If any person ordered to attend or produce any paper, book, record, or other document to either House, or to any Committee of either House, shall object to answer any question that may be put to him, or to produce any such paper, book, record, or other document on the ground that the same is of a private nature and does not affect the subject of inquiry, the President, or Speaker, or Chairman of the Committee, as the case may be, shall report such refusal, with the reason thereof, to the House, who shall thereupon excuse the answering of such question, or the production of such paper, book, record, or other document, or order the answering or production thereof, as the circumstances of the case may require.

Houses empowered to punish summarily for certain contempts

8. Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer in such place within the Colony as the House may direct until such fine shall have been paid, or until the end of the then existing session or any portion thereof, any of the offences hereinafter enumerated whether committed by a member of the House or by any other person—

Disobedience to any order of either House or of any Committee duly authorized in that behalf to attend or to produce papers, books, records, or other documents, before the House or such Committee, unless excused by the House in manner aforesaid.

Refusing to be examined before, or to answer any lawful and relevant question put by the House or any such Committee, unless excused by the House in manner aforesaid.

The assaulting, obstructing, or insulting any member in his coming to or going from the House, or on account of his behaviour in Parliament or endeavouring to compel any member by force,

insult, or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before either House.

The sending to a member any threatening letter on account of his behaviour in Parliament.

The sending a challenge to fight a member.

The offering of a bribe to, or attempting to bribe a member.

The creating or joining in any disturbance in the House, or in the vicinity of the House while the same is sitting, whereby the proceedings of such House may be interrupted.

President or Speaker to issue warrant

9. For the purpose of punishing any of the contempts aforesaid, the President or Speaker, as the case may be, is hereby empowered upon the resolution in that behalf of the House to issue his warrant under his hand for the apprehension and imprisonment as aforesaid of any person adjudged by the House guilty of any such contempt, if such fine shall not have been paid as aforesaid.

Persons disturbing proceedings of House may be arrested without warrant

10. Any person creating or joining in any disturbances in the House during its actual sitting may be apprehended without warrant on the verbal order of the President or Speaker as the case may be, and may be kept in the custody of the officer of the House until a warrant can be made out for the imprisonment of such person in the manner aforesaid.

Form of warrant

11. Every such warrant shall contain a statement that the person therein mentioned has been adjudged guilty of contempt by the House, the President or Speaker whereof shall have issued the same, specifying the nature of such contempt in the words of this Act defining the same, or in equivalent words.

And every warrant shall be sufficient from which it can be reasonably collected that the person mentioned therein has been adjudged guilty of any of the contempts aforesaid, and no particular form shall be necessary to be observed in such warrant.

Sheriff's officers, constables and others to assist in execution of warrant or verbal order

12. The Sheriff and his officers, and all constables and other persons, are hereby required to assist in the apprehension and detention of any person in pursuance of the verbal order as aforesaid of the President or Speaker, as the case may be, and also to be aiding and assisting in the execution of any such warrant as aforesaid.

And where any such warrant directs that the person mentioned therein shall be imprisoned in any gaol, the keeper thereof is hereby required to receive such person into his custody in the said gaol, and there to imprison him according to the tenor of the warrant.

Doors may be broken open in executing a warrant

13. It shall be lawful for any person charged with, or assisting in the execution of any warrant under the hand of the President or Speaker issued under the authority of this Act, to break open in the daytime all doors of places where the person for whose apprehension such warrant was issued is concealed.

House may direct Attorney General to prosecute instead of proceeding summarily

14. The publishing of any false or scandalous libel of any member touching his conduct as a member by any person other than a member is hereby declared to be a misdemeanour.

And it shall be lawful for either House to direct the Attorney General to prosecute before the Supreme Court any such person committing any such misdemeanour.

And any such person convicted before the said Court of any such misdemeanour shall be liable to imprisonment for any period not exceeding 2 years, or to a fine not exceeding \$200 or to both such punishments.

House may direct Attorney General to prosecute for other contempts

15. It shall be lawful for either House to direct the Attorney General to prosecute before the Supreme Court any such person guilty of any other contempt against the House which is punishable by law.

[16. *Section 16 repealed by 1 & 2 Edw. VII. No. 14 s. 3.*]

Citation

17. This Act may be cited as the *Parliamentary Privileges Act 1891*.

[*Section 17 inserted by No. 81 of 1966 s. 2.*]

NOTES

¹. This reprint is a compilation as at 9 October 1987 of the *Parliamentary Privileges 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 Privileges Act 1891</i>	54 Vict. No. 4 1891	26 February 1891	26 February 1891	
<i>Criminal Code Act 1902</i> , s. 3	1 & 2 Edw. VII No. 14	19 February 1902	Section 3: 1 May 1902	
<i>Statute Law Revision (Short Titles) Act 1966</i> , s. 2	81 of 1966	12 December 1966	12 December 1966	