



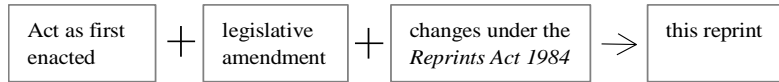
Western Australia

Parliamentary Privileges Act 1891

Reprint 2: The Act as at 6 June 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Parliamentary Privileges Act 1891

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Reprinted under the
Reprints Act 1984 as
at 6 June 2003

Western Australia

Parliamentary Privileges Act 1891

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’², 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: —

1. Privileges, powers etc., of Council and Assembly

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.

2. Printed copies of journals of House of Commons to be evidence

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.

3. Designation of Legislature

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

4. Power to order the attendance of persons

Each House of the Parliament of the said Colony, and any Committee of either House, duly authorised 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.

5. Order to attend to be notified by summons

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 authorised 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.

6. Attendance of members

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.

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

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.

8. Houses empowered to punish summarily for certain contempts

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 authorised 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.

9. President or Speaker to issue warrant

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.

10. Persons disturbing proceedings of House may be arrested without warrant

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.

11. Form of warrant

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

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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.

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

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.

13. Doors may be broken open in executing a warrant

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.

14. House may direct Attorney General to prosecute instead of proceeding summarily

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.

15. House may direct Attorney General to prosecute for other contempts

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. *Repealed by 1 & 2 Edw. VII. No. 14 s. 3(2).]*

17. Short title

This Act may be cited as the *Parliamentary Privileges Act 1891*¹.

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



Notes

- ¹ This reprint is a compilation as at 6 June 2003 of the *Parliamentary Privileges Act 1891* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
Untitled ³	54 Vict. No. 4	26 Feb 1891	26 Feb 1891
<i>Criminal Code Act 1902</i> s. 3(2)	1 & 2 Edw. VII No. 14	19 Feb 1902	1 May 1902 (see s. 2)
<i>Statute Law Revision</i> (<i>Short Titles</i>) Act 1966 s. 2	81 of 1966	12 Dec 1966	12 Dec 1966

Reprint of the *Parliamentary Privileges Act 1891* approved 9 Oct 1987
Reprint 2: The *Parliamentary Privileges Act 1891* as at 6 Jun 2003 (includes amendments listed above)

- ² 52 Vict, No. 23.

- ³ Now called the *Parliamentary Privileges Act 1891*; short title inserted (see note to s. 17).