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THE PARLIAMENT OF THE COMMONWEALTH OF  
AUSTRALIA

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THE HOUSE OF REPRESENTATIVES

PARLIAMENTARY PRIVILEGES AMENDMENT BILL 1992

EXPLANATORY MEMORANDUM

(Circulated by authority of Mr D.J.C. Kerr MP)



# PARLIAMENTARY PRIVILEGES AMENDMENT BILL 1992

## OUTLINE

This Bill provides for section 16 of the *Parliamentary Privileges Act 1987* to be amended in relation to the examination of witnesses in court or other proceedings.

The Bill amends the *Parliamentary Privileges Act 1987* in the terms set out in the Notes on Clauses set out below.

## FINANCIAL IMPACT STATEMENT

The Bill is not expected to have any impact on Commonwealth revenue or expenditure.

## PARLIAMENTARY PRIVILEGE IN COURT PROCEEDINGS

### NOTES ON CLAUSES

**Clause 1: Short title**

Provides for the citation of the Act.

**Clause 2: Commencement**

Provides for the Act to commence upon royal Assent.

**Clause 3: Parliamentary Privilege in court proceedings**

Subsection 16(3) of the *Parliamentary Privileges Act 1987* provides that in proceedings in a court or tribunal it is not lawful for evidence to be taken or questions asked or statements, submissions or comments made concerning proceedings in Parliament by way of or for the purposes of questioning or relying on the motive or truthfulness etc or anything forming part of those proceedings or otherwise questioning the credibility etc. of a person or drawing inferences etc. from anything forming part of these

proceedings. This has the effect, among other things, that a witness in court proceedings cannot be questioned about evidence on the same matter he or she may have given to a parliamentary committee. Answers given by the witness during the court proceedings cannot be compared with statements the person may have made in evidence to a committee, for example.

The amendment proposed by this Bill applies where a person gives evidence against another person in a court or in another tribunal. If the person giving the evidence has previously made a statement in evidence to a House or to a committee and the statement is not consistent with the person's evidence to the court or tribunal, the person's credibility may be tested by questioning in the court or tribunal as to the statement he or she made to the House or committee.

In all other respects the protection provided by subsection 16(3) will continue to apply. For example, evidence given by a witness to a Parliamentary Committee cannot be used either as a basis for legal proceedings against the witness or to support legal proceedings against a witness which arose from matters occurring outside Parliament.

