

PARLIAMENT OF AUSTRALIA  
THE PARLIAMENTARY LIBRARY

FOREIGN PROCEEDINGS (PROHIBITION OF CERTAIN  
EVIDENCE) BILL 1976

Date introduced: 18 November 1976  
House: House of Representatives  
Presented by: Mr. Ellicott.

SHORT DIGEST OF BILL

Purpose: This measure (which has already been passed by both Houses of the Parliament) enables the Attorney-General to prohibit the giving of evidence or the production of documents to foreign tribunals.

Summary

Clause 5 of the Bill empowers the Attorney-General to make orders prohibiting the production whether directly or indirectly of documents which are in Australia to foreign tribunals or prohibiting the giving of evidence about such documents to such tribunals directly or indirectly.

Orders may be made in relation to a particular foreign tribunal, a class of foreign tribunals or all foreign tribunals; they may be made in relation to a particular document or to a class or documents; and they may be directed to a particular person, a class of persons or to persons generally.

Restrictions are placed on the Attorney-General's powers by clause 4. These restrictions, however, are not enforceable in the courts (sub-clause 4 (2)). The Attorney-General is only to exercise his powers where this is desirable to protect the national interest or where a foreign tribunal is exercising powers not consistent with international law or comity.

Clause 6 of the Bill provides for service of orders made by the Attorney-General and clause 7 makes it an offence punishable by a fine of \$5,000 or 6 months imprisonment (in the case of an individual) or a fine of \$10,000 (in the case of a company) to contravene an order.

Background

Although this legislation has been prompted by various proceedings in the United States in relation to that country's anti-trust laws, it is not limited to those proceedings or that country.

29 November 1976

Law and Government Group  
LEGISLATIVE RESEARCH SERVICE