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## Appendix 1 – s.16, Parliamentary Privileges Act

### Parliamentary privilege in court proceedings

- 16. (1)** For the avoidance of doubt, it is hereby declared and enacted that the provisions of article 9 of the Bill of Rights, 1688 apply in relation to the Parliament of the Commonwealth and, as so applying, are to be taken to have, in addition to any other operation, the effect of the subsequent provisions of this section.
- (2)** For the purposes of the provisions of article 9 of the Bill of Rights, 1688 as applying in relation to the Parliament, and for the purposes of this section, "proceedings in Parliament" means all words spoken and acts done in the course of, or for purposes of or incidental to, the transacting of the business of a House or of a committee, and, without limiting the generality of the foregoing, includes:
- (a)** the giving of evidence before a House or a committee, and evidence so given;
  - (b)** the presentation or submission of a document to a House or a committee; the preparation of a document for purposes of or incidental to the transacting of any such business; and
  - (c)** the formulation, making or publication of a document, including a report, by or pursuant to an order of a House or a committee and the document so formulated, made or published.
- (3)** In proceedings in any court or tribunal, it is not lawful for evidence to be tendered or received, questions asked or statements, submissions or comments made, concerning proceedings in Parliament, by way of, or for the purpose of:
- (d)** questioning or relying on the truth, motive, intention or good faith of anything forming part of those proceedings in Parliament;
  - (e)** otherwise questioning or establishing the credibility, motive, intention or good faith of any person; or
  - (f)** drawing, or inviting the drawing of, inferences or conclusions wholly or partly from anything forming part of those proceedings in Parliament.
- (4)** A court or tribunal shall not:
- (a)** require to be produced, or admit into evidence, a document that has been prepared for the purpose of submission, and submitted, to a House or a committee and has been directed by a House or a

committee to be treated as evidence taken in camera, or admit evidence relating to such a document; or

- (a) admit evidence concerning any oral evidence taken by a House or a committee in camera or require to be produced or admit into evidence a document recording or reporting any such oral evidence,
  - (b) unless a House or a committee has published, or authorised the publication of, that document or a report of that oral evidence.
- (5) In relation to proceedings in a court or tribunal so far as they relate to:
- (a) a question arising under section 57 of the Constitution; or
  - (b) the interpretation of an Act;

neither this section nor the Bill of Rights, 1688 shall be taken to prevent or restrict the admission in evidence of a record of proceedings in Parliament published by or with the authority of a House or a committee or the making of statements, submissions or comments based on that record.

- (6) In relation to a prosecution for an offence against this Act or an Act establishing a committee, neither this section nor the Bill of Rights, 1688 shall be taken to prevent or restrict the admission of evidence, the asking of questions, or the making of statements, submissions or comments, in relation to proceedings in Parliament to which the offence relates.
- (7) Without prejudice to the effect that article 9 of the Bill of Rights, 1688 had, on its true construction, before the commencement of this Act, this section does not affect proceedings in a court or a tribunal that commenced before the commencement of this Act.