

PREFACE

This is the fifth edition of the Committee of Privileges' general report on its operations. The committee believes it is useful to collect in one place the primary materials of parliamentary privilege, together with the significant body of case law accumulated through so many inquiries. This edition includes coverage and analysis of all reports between the publication of the last edition (in August 2002) and December 2005, 17 reports in all, as well as revision of material published in earlier editions.

Some issues which have long been of concern to the committee were brought to a satisfactory conclusion in the period covered by this latest edition. Procedures for the execution of search warrants on the offices of senators and members of the House of Representatives were finalised under a memorandum of understanding signed by the Presiding Officers, the Attorney-General and the Minister for Justice and Customs early in 2005. Yet more cases of unauthorised disclosure of draft reports of committees were referred to the committee but were generally incapable of a satisfactory resolution. In response, the committee undertook a radical re-examination of the basis of the contempt of unauthorised disclosure of committee proceedings. The recommendations of its 122nd report, adopted in the form of a sessional order in October 2005, were designed to ensure that serious cases of unauthorised disclosure, particularly of in camera evidence, would continue to be referred to the committee, but that committees would be encouraged to take greater responsibility for their own internal discipline. The conclusions of the 122nd report are covered in detail in chapter 5 and the committee expects that it will conduct a review of these arrangements before the end of the current Parliament.

This edition also covers the committee's first inquiry into an alleged contempt under the resolutions relating to the registration of senators' interests, as well as a report on the privilege implications of joint meetings of the Houses, held to receive addresses from foreign heads of state.

For much of the period covered by this report, the committee was supported by Miss Anne Lynch, its secretary since 1988 and regular provider of research assistance since joining the Department of the Senate in 1973. Anne retired in June 2005 after more than 32 years' service to the Senate, during which time she was an internationally acknowledged expert on parliamentary privilege. The committee records its gratitude for her service and its best wishes for the years ahead.

John Faulkner
Chair

