

## (POWERS AND PRIVILEGES) ORDINANCE 1977

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## FIRST SCHEDULE

## SECOND SCHEDULE



# LEGISLATIVE ASSEMBLY (POWERS AND PRIVILEGES) ORDINANCE 1977

1097

No. 10 of 1977

An Ordinance relating to the powers  
(other than legislative powers), privileges and  
immunities of the Legislative Assembly for the  
Northern Territory and for other purposes

[Assented to 20 April 1977]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Legislative Assembly (Powers and Privileges) Ordinance 1977*. Short title

2.(1) The *Legislative Council (Powers and Privileges) Ordinance 1963* and the *Legislative Council (Powers and Privileges) Ordinance 1966* are repealed. Repeal

(2) The *Legislative Council (Powers and Privileges) Ordinance* shall be deemed to have continued to operate until the date of commencement of this Ordinance, as though on the date on which the first Legislative Assembly was first called together it had been amended—

- (a) by omitting “Council” (wherever occurring) and substituting “Assembly”;
- (b) by omitting “President” (wherever occurring) and substituting “Speaker”; and
- (c) by omitting the *Northern Territory (Administration) Act 1910-1962* (wherever occurring) and substituting “the *Northern Territory (Administration) Act 1910-1974*”.

3. In this Ordinance, unless the contrary intention appears— Definitions

“the Assembly” means the Legislative Assembly for the Northern Territory established under the *Northern Territory (Administration) Act 1910*;

“the Chamber” means the room or place in which the Assembly is at any time sitting;

“the Clerk” means the person appointed to be the Clerk of the Assembly and includes a Clerk-Assistant;

“committee” means a committee of the whole Assembly or a standing, select, or other committee appointed by the Assembly;

“member” means a member of the Legislative Assembly;

“officer of the Assembly” means the Clerk or any other person declared by the Speaker by notice in the *Gazette* to be an officer of the Assembly;

“the Speaker” means the Speaker of the Assembly and includes any person for the time being presiding over the Assembly under the provisions of the *Northern Territory (Administration) Act* 1910;

“Standing Orders” means the standing rules and orders of the Assembly for the time being in force.

Powers,  
privileges and  
immunities not  
elsewhere  
declared

4.(1) The powers (other than legislative powers), privileges and immunities of the Assembly and of its members and committees, to the extent that they are not declared by the provisions of this Ordinance other than this section, shall be the powers (other than legislative powers), privileges and immunities of the House of Commons of the Parliament of the United Kingdom, and of the members and committees of that House, respectively, at the establishment of the Commonwealth.

(2) For the purpose of exercising or upholding a power, privilege or immunity declared by sub-section (1) the Assembly may by resolution require a person to do or to refrain from doing an act specified in the resolution.

(3) A person shall do such an act, or refrain from doing such an act, in accordance with such a resolution of the Assembly.

Freedom of  
speech

5.(1) There shall be freedom of speech, debates and proceedings in the Assembly and that freedom shall not be impeached or questioned in any court or place outside the Assembly.

(2) Neither a member nor any other person is liable to any action, suit or other legal proceeding (whether civil or criminal), for or in respect of any statement made or act done in the course of the conduct of the business of the Assembly during a meeting of the Assembly or by or on behalf of or with the authority of the Assembly or in the course of the conduct of the business of a committee during a meeting of that committee or by or on behalf of or with the authority of a committee.

Attendance of  
members and  
officers as  
witnesses

6.(1) Subject to sub-section (4), on a day to which this section applies a member or an officer of the Assembly is not required to attend as a witness in any court or tribunal.

(2) This section applies in respect of—

(a) a day fixed by resolution of the Assembly or otherwise to be a day on which the Assembly will sit;

(b) the 3 days immediately preceding such a day;

- (c) a day fixed by a committee to be a day on which the committee will sit; and
- (d) the 3 days immediately preceding such a day.

(3) The production of a certificate under the hand of the Speaker stating—

- (a) that the person named therein is a member or an officer of the Assembly; and
- (b) that the Assembly or a committee is or will be sitting at or during a specified time; and
- (c) that it is the duty of that named person to attend at or during that specified time,

shall be evidence of the facts stated.

(4) This section does not excuse the attendance of a person as a witness unless it is the duty of that person to be in attendance at the sitting of the Assembly or a committee.

7.(1) A person shall not on any day in respect of which this section applies, within the precincts of the Assembly—

Service of  
process within  
the precincts

- (a) serve or tender for service or execute any writ, summons, warrant, order or other process issued by or with the authority of any court or otherwise in accordance with any law of the Territory; or
- (b) except as authorized by section 17, arrest another person.

(2) This section applies in respect of—

- (a) a day fixed by a resolution of the Assembly or otherwise to be a day on which the Assembly will sit; and
- (b) a day fixed by a committee to be a day on which the committee will sit.

8.(1) A person shall not, upon any day in respect of which this section applies, arrest a member upon any civil process.

Member not to  
be arrested  
on civil process  
at certain times

(2) This section applies in respect of—

- (a) a day fixed by resolution of the Assembly or otherwise to be a day on which the Assembly will sit;
- (b) the 3 days immediately preceding such a day; and
- (c) the 3 days immediately succeeding such a day.

9. Neither a member nor any other person shall—

Contempts of  
the Assembly

- (a) by force, threat of force or by threatening or insulting words—
  - (i) compel a member to vote or declare himself for or against any motion or proposal pending or likely to be

moved or brought before the Assembly or a committee;  
or

- (ii) prevent or attempt to prevent a member from attending a meeting of the Assembly or a committee;
- (b) interfere with, resist or obstruct an officer of the Assembly in the execution or performance of any act authorized or ordered by the Assembly or a committee or by or under this Ordinance;
- (c) by act or words disturb the proceedings of the Assembly or a committee, or counsel or procure another person to so disturb such proceedings; or
- (d) induce or compel, by any means, a person called or to be called to give evidence before the Assembly or a committee to give false testimony, to withhold true testimony or to refuse or fail to attend before the Assembly or a committee for the purpose of giving evidence.

Publication of  
contempt

**10.** Subject to the *Defamation Ordinance*, a person shall not publish any words, whether orally or in writing, or any cartoon, drawing or other pictorial representation, tending to bring the Assembly into hatred or contempt.

Publication of  
documents and  
evidence

**11.** It shall be lawful for the Assembly to authorize the publication of any document laid before it or of any evidence given before it.

Authority  
for certain  
publications

**12.(1)** When the Assembly has ordered a document or evidence to be printed the Assembly shall be deemed, unless the contrary intention appears in the order, to have authorized the Government Printer and the Clerk to publish the document or evidence.

(2) The Assembly shall be deemed to have authorized the Government Printer and the Clerk to publish the notice paper and the minutes of the proceedings of the Assembly and the report of the debates and proceedings of the Assembly.

(3) The Clerk shall, on request made by any person, supply a copy of the notice paper, of the minutes of the proceedings in the Assembly, of the reports of the debates and proceedings of the Assembly or of any other reports, documents or papers published by the authority of the Assembly, to that person upon payment of the appropriate fee.

(4) The appropriate fee in respect of each publication referred to in sub-section (3) is such fee as is fixed from time to time for that publication by resolution of the Assembly or of a committee appointed by the Assembly and authorized to fix fees under this section.

No action for  
publishing  
authorized  
publications

**13.(1)** No action, suit or proceeding, civil or criminal, shall lie against any person for publishing any document or evidence published

under an authority given in pursuance of section 11 or deemed to have been given by virtue of section 12(2).

(2) In any action or prosecution commenced in respect of the publication of any document or evidence published under an authority given in pursuance of section 11 or deemed to have been given by virtue of section 12(2), the defendant may bring before the Court in which the action or prosecution is pending or before any Judge of that Court, first giving 24 hours notice of his intention so to do to the plaintiff or prosecutor, a certificate, under the hand of the Speaker or Clerk, stating that the document or evidence in respect of which the action or prosecution has been commenced was published or was deemed to have been published under that authority, together with an affidavit verifying the certificate, and the Court or Judge shall thereupon stay the action or prosecution and may order the plaintiff or prosecutor to pay the defendant his costs of defence.

**14.** Where the Assembly has ordered that any words or matter published in the Assembly shall not be printed or published a person shall not print or publish outside the Assembly those words or that matter or any part or report thereof.

Persons not to print matter contrary to order

**15.(1)** Subject to sub-section (2), the precincts of the Assembly shall be that area of land, together with the buildings erected thereon, which is described in the First Schedule.

Precincts of the Assembly

(2) If the Assembly, by resolution, declares that a specified portion of the area referred to in sub-section (1) or that a specified portion of one or more of the buildings referred to in that sub-section is not part of the precincts of the Assembly, the specified portion is not part of the precincts of the Assembly while the resolution is in force.

(3) Subject to the directions of the Assembly, the Speaker shall have the control and management of the precincts of the Assembly.

**16.(1)** Nothing in this Ordinance shall limit the powers or the authority of the Speaker or the Assembly or a committee under the Standing Orders.

Ordinance not to limit powers of Speaker or Assembly under Standing Orders

(2) It shall not be a defence to any proceedings for an offence against this Ordinance that the defendant has for that offence been excluded or removed from the precincts of the Assembly by the Speaker or by the order of the Assembly.

**17.(1)** The Speaker may at any time direct that a member, as to whom the Assembly has ordered that he be excluded or removed from the Chamber, be excluded or removed from the Chamber.

Removal of persons from the precincts

(2) The Speaker may, at any time and whether the Assembly is sitting or not, direct that a person who is not a member be removed from the precincts of the Assembly.

(3) In the exercise of his powers under sub-sections (1) and (2) the Speaker may require a person to exclude or remove by force the member or other person as to whom the Speaker has directed that he be excluded or removed.

(4) Neither the Speaker nor any person acting under his direction is liable in civil or criminal proceedings for any act done in pursuance of this Section.

Persons to  
obey directions  
of Speaker

**18.**(1) Where the Speaker has directed the exclusion of a person from the precincts of the Assembly, the person shall not—

- (a) refuse or fail to leave the precincts of the Assembly; or
- (b) re-enter or attempt to re-enter the precincts of the Assembly at any time during which the direction is in force.

Summons to  
witness

**19.**(1) Upon the order of the Assembly or of a committee which has been authorized by the Assembly to send for persons and papers, the Clerk may issue under his hand a summons to a person (not being a member) to attend before the Assembly or the committee to give evidence before the Assembly or the committee or to produce to the Assembly or the committee the papers, books, documents or articles specified in the summons.

(2) A summons issued under sub-section (1)—

- (a) may be in or to the effect of the appropriate form in the Second Schedule; and
- (b) shall be served personally on the person to whom it is directed.

Evidence may  
be taken on  
oath

**20.**(1) A committee which has been authorized by the Assembly to send for persons and papers may require that any facts, matters or things relating to the subject of the inquiry by the committee be verified or ascertained by the oral examination of witnesses and may cause such witnesses to be examined on oath.

(2) The Clerk attending the committee may administer an oath to a witness appearing before a committee authorized by sub-section (1) to examine witnesses on oath.

(3) Where a witness is required to take an oath and it appears that he conscientiously objects to taking an oath he may make a solemn affirmation.

Witnesses may  
be compelled  
to answer

**21.** Where, in pursuance of a summons issued under section 19, a person attends before the Assembly or a committee to give evidence or



to produce any books, papers, documents or articles specified in the summons he may not be compelled to answer a question except by or with the leave of the Speaker or the Chairman of the committee.

**22.**(1) Subject to section 23, a person who is served with a summons issued under section 19 shall not—

Offences by witnesses

- (a) refuse or fail, without reasonable excuse, to appear at the time and at the place specified in the summons;
- (b) refuse to be sworn or to make an affirmation;
- (c) refuse or fail, without reasonable excuse, to answer a question put to him by or with the leave of the Speaker or the Chairman of a committee;
- (d) refuse or fail, without reasonable excuse, to produce to the Assembly or the committee the books, papers, documents or articles specified in the summons;
- (e) give false evidence or make any statement which is false or untrue in any particular; or
- (f) present to the Assembly or the committee a document which is to his knowledge false or falsified.

(2) It shall be a defence to any prosecution for an offence which relates to sub-section (1)(c) that the answer to the question which the defendant is charged to have refused or failed to answer—

- (a) would tend to incriminate him of an offence against a law of the Commonwealth or of a State or Territory; or
- (b) was irrelevant to the matter into which the Assembly was inquiring or into which the committee was authorized by the Assembly to inquire.

**23.**(1) Where a person attends before the Assembly or a committee to give evidence or to produce books, papers, documents or articles he may object to answering any question put to him or to produce any book, paper, document or article on the ground that to answer the question or to produce the book, paper, document or article would be contrary to the public interest.

Claim of Crown privilege

(2) Where a person objects to answering a question or to the production of a book, paper, document or article under sub-section (1), the Assembly or the committee shall until the expiry of the period of 48 hours referred to in sub-section (3) desist from requiring an answer to the question or the production of the book, paper, document or article and the Speaker or the Chairman of the committee, as the case may be, shall forthwith report to the Administrator the objection taken, the nature of the question asked or the book, paper, document or article required to be produced and shall make inquiry of the Administrator whether the objection is supported.

(3) Upon such inquiry being made, the Administrator may within 48 hours deliver or refuse to deliver to the Speaker or to the Chairman of the committee a certificate under his hand certifying that the answer to the question or the production of the book, paper, document or article would be contrary to the public interest and if such a certificate is delivered it shall not be lawful for the Speaker or the Chairman of the committee to require the question to be answered or the book, paper, document or article to be produced.

(4) If the Administrator refuses to deliver a certificate referred to in sub-section (3) or if, at the expiration of a period of 48 hours after the inquiry is made of him under sub-section (2), he has failed to deliver such a certificate, the objection made by the person under sub-section (1) is deemed to have been disallowed and the person may be then required by the Speaker or the Chairman of the committee to answer the question or to produce the book, paper, document or article to the answering or the production of which the objection was made.

Broadcasting  
of proceedings

**24.** No broadcast or re-broadcast of any portion of the debates or proceedings of the Assembly or of a committee shall be made except by the authority of the Assembly and in accordance with such conditions as may be determined by the Assembly.

Admission of  
documents in  
evidence

**25.** Upon any inquiry touching the powers, privileges or immunities of the Assembly or of a member, a copy of any document printed or purporting to have been printed by the Government Printer, or by the authority of the Clerk or otherwise by or under the authority of the Assembly, shall be received in all courts and places as evidence of the proceedings.

Proceedings not  
to be disclosed  
without  
authority

**26.** Except with the leave of the Speaker, an officer, employee or member of the Assembly shall not disclose to any court or tribunal or to any person charged with a duty to inquire into or investigate any matter the contents of—

- (a) any evidence given before the Assembly or a committee;
- (b) a report of the debates and proceedings of the Assembly which has not been published with the authority of the Assembly; or
- (c) a manuscript or document laid before the Assembly or a committee which has not been published with the authority of the Assembly.

Commencement  
of prosecutions

**27.(1)** A prosecution for an offence against a provision of this Ordinance shall not be commenced except by order of the Speaker.

(2) Where the Speaker has ordered that prosecution for an offence against a provision of this Ordinance shall be commenced, the prosecution shall be commenced upon complaint in the name of the Clerk and

the complaint shall recite that the prosecution has been commenced by order of the Speaker.

(3) In the absence of evidence to the contrary, a prosecution instituted in the name of the Clerk shall, if the complaint contains a recital that the proceedings have been commenced by order of the Speaker, be presumed to have been duly commenced.

**28.** Proceedings for a contravention of or failure to comply with a provision of this Ordinance may be instituted in a court of summary jurisdiction. Summary trial

**29.** A person who contravenes or fails to comply with a provision of this Ordinance is guilty of an offence punishable on conviction by a fine not exceeding 2000 dollars or imprisonment for a term not exceeding 6 months. Punishment of offences

## FIRST SCHEDULE

Section 15 (1)

All that piece or parcel of land being part of Lot 3675 Town of Darwin, commencing at a point on the south-western side of Mitchell Street south-easterly 18.715 metres from the northern-most corner of the said Lot 3675, thence south-easterly 72.542 metres to the north-western edge of the concrete pavement, thence south-westerly by a line at right angles to Mitchell Street to the Esplanade, thence by the north-east side of the Esplanade north-westerly for 72.542 metres, thence north-easterly to the point of commencement.

## SECOND SCHEDULE

Section 19 (2)

Form 1

### THE NORTHERN TERRITORY OF AUSTRALIA

#### *The Legislative Assembly*

To

Whereas the Legislative Assembly for the Northern Territory is concerned to inquire into  
Now therefore you are required by this summons setting aside all other business to attend before the  
Assembly at \_\_\_\_\_ in the Northern Territory on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon and then and there to give evidence touching the subject  
matter of that inquiry and then and there to produce the following books, papers, documents and  
articles, namely:

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ .

Clerk

Form 2

### THE NORTHERN TERRITORY OF AUSTRALIA

#### *The Legislative Assembly*

To

You are required by this summons setting all other business aside to attend before the Committee  
of the Legislative Assembly appointed to inquire and report to the Assembly upon  
at \_\_\_\_\_ in the Northern Territory on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at  
o'clock in the \_\_\_\_\_ noon and then and there to give evidence touching the subject matter of that  
inquiry and then and there to produce the following books, papers, documents and articles, namely:

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 91 .

Clerk

