

LEGISLATIVE COUNCIL (PRIVILEGES) ORDINANCE 1961.

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No. 20 of 1961.

An Ordinance relating to the Privileges of the Legislative Council for the Northern Territory, and for other purposes.

[Assented to 16th May, 1961.]

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1959, as follows:—

1. This Ordinance may be cited as the *Legislative Council (Privileges) Ordinance* 1961. Short title.

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

“clerk” means the clerk of the Council;

“Committee” means a committee of the whole Legislative Council and any standing, select, special or other committee of the Council appointed by the Council;

“Council” means the Legislative Council for the Northern Territory of Australia;

“member” means a member of the Legislative Council;

“officer of the Council” means the clerk and any person declared by the President by notice in the *Gazette* to be an officer of the Legislative Council;

“President” means the President of the Legislative Council and includes any person for the time being presiding over the Legislative Council under the provisions of the *Northern Territory (Administration) Act* 1910-1959;

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

3. There shall be freedom of speech, debate and proceedings in the Council and that freedom shall not be liable to be impeached or questioned in any court or tribunal outside the Council.

Freedom of
speech and
debate.

Members and officers exempted from serving as jurors or when Council is sitting, to attend as witnesses in court.

4. No member or officer of the Council shall be required to serve on any jury nor, while in attendance on the Council, to attend as a witness in any civil proceedings in any court, and the certificate of the President shall be deemed sufficient proof of any member's or officer's attendance on the Council.

Immunity of members from civil or criminal proceedings for anything done before the Council.

5. No member shall be liable to any civil or criminal proceedings, arrest, imprisonment, or damages by reason of any matter or thing which he has brought by petition, question, bill, resolution, motion or otherwise, or has said before the Council or any committee.

Exemption from liability in damages for any act done under the authority of the Council.

6.—(1.) A person is not liable in civil or criminal proceedings in damages or to any penalty—

(a) for any act done under the authority of the Council or in pursuance of any order made by the Council or a committee; or

(b) for any words spoken or used or any document or writing made or produced pursuant to any order or summons made or issued under the authority of the Council or a committee.

(2.) The provisions of this section apply only where the person sought to be made liable is not guilty of malice and where—

(a) the Council or the committee, as the case may be, has authority by law to require the act to be done or to make or issue the order or summons; and

(b) the person sought to be made liable—

(i) has not exceeded the authority of the order or summons, made or issued;

(ii) in the case of words spoken or used has spoken or used those words as or as part of a relevant answer to a lawful question, order or invitation of the Council, the committee or a member; or

(iii) in the case of a document made or produced has made or produced the document by virtue of an order or summons or upon the invitation of and for the use and information of the Council, the committee or a member.

7. Any member or any other person who—

Offences.

- (a) assaults, obstructs or insults any member coming to or going from the Council, or endeavours to compel any member by force, insult or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the Council or any committee;
- (b) assaults, interferes with or resists any officer of the Council while in the execution of his duty;
- (c) sends to a member any threatening letter or challenges a member to fight on account of his conduct in the Council;
- (d) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Council or a committee while the Council or the committee is sitting;
- (e) tampers with, deters, threatens, or in any way unduly influences any witness in regard to evidence to be given by him before the Council or a committee;
- (f) presents to the Council or to a committee any false, untrue, fabricated, or falsified document with intent to deceive the Council or a committee;
- (g) commits any contempt set forth and declared to be such in this Ordinance,

shall be guilty of an offence and shall, on conviction, be liable to a fine of One hundred pounds or imprisonment for six months, or both.

8. Any person who—

Offences
relating to
admittance to
the Council.

- (a) enters or attempts to enter the precincts of the Council in contravention of an order of the President;
- (b) fails or refuses to withdraw from the precincts of the Council when ordered to do so by the President; or
- (c) contravenes any order made by the President under the Standing Orders,

shall be guilty of contempt.

9. Any person who, after being duly cautioned as to his liability to punishment under this section, wilfully makes a false answer to any question which may be put to him during the course of any examination, before the Council or a committee, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding four years.

Punishment
for giving a
false answer.

Evidence of
proceedings in
Council or
committee not
to be given.

10. No member or officer of the Council and no person employed to take minutes of evidence before the Council or a committee shall give evidence outside the Council in respect of the contents of the minutes of evidence of the Council or of the contents of any document laid before the Council or the committee, or in respect of any proceedings or examination held before the Council or the committee, without the leave of the President.

Copy of
proceedings of
the Council
admissible as
evidence.

11. Upon any enquiry touching the privileges, immunities and powers of the Council or of any member, any copy of the proceedings of the Council printed or purporting to be printed by or under the authority of the Council shall be admitted as evidence of the contents thereof in all courts and places without proof being given that the copy was so printed.

Penalty for
printing false
copy of
Ordinance.

12. A person who—

(a) prints or causes to be printed a document purporting—

(i) to be a copy of an Ordinance, or of a report, paper, minutes, votes or proceedings of the Council or a committee; and

(ii) to be printed by the Government Printer or by or under the authority of the Council or a committee or the President; or

(b) tenders in evidence such a document,

knowing the document not to be so printed, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three years.

Protection of
persons
responsible for
publications
authorized by
the Council.

13. A defendant in any proceedings instituted in respect of the publication by the order or under the authority of the Council, of any reports, papers, minutes, votes or proceedings may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours' written notice of his intention, produce to the court in which the proceedings have been instituted a certificate purporting to be signed by the President stating that the report, papers, minutes, votes or proceedings in respect of which the first mentioned proceedings have been instituted were published by the defendant or his servant by order or under the authority of the Council, and the court shall thereupon immediately stay the proceedings which shall then be deemed to be finally determined.

14. In any proceedings instituted for publishing any extract from or abstract of any report, paper, minutes, votes or proceedings referred to in section twelve of this Ordinance, if the court is satisfied that the extract or abstract was published *bona fide* and without malice, the court shall enter judgment or verdict, as the case may be, for the defendant or accused.

Privileged
publications.

15. Neither the President, nor any officer of the Council, shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the President or officer of the Council.

Courts not to
exercise
jurisdiction in
respect of acts
of President
and officers of
the Council.

16. No prosecution for an offence under the provisions of this Ordinance shall be instituted except with the written authority of the Crown Law Officer.

Crown Law
Officer to
authorize
prosecutions.