

New Zealand.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. —.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. "Privileges Act 1856" repealed except as far as it relates to Superintendents and Provincial Councils or to printing of reports proceedings &c. of such Councils. Meaning of Legislative body in said Act altered.
3. Part of fifty-second section of Constitution Act repealed.
4. Legislative Council and House of Representatives to have same privileges &c. as House of Commons so far as consistent with Constitution Act. Such privileges &c. to form part of law of Colony.
5. In case of enquiry into privileges &c. printed</p> | <p>copy of Journals of House of Commons evidence of Journals.
6. Legislative Council and House of Representatives may administer oaths.
7. Proceedings civil or criminal against persons for publication of reports &c. by order of any Legislative body to be stayed upon production of a certificate verified by affidavit to the effect that such publication is by order of such Legislative body.
8. Any such proceeding to be stayed when commenced or prosecuted in respect of a copy of any report verified by affidavit.
9. In proceedings for printing any extract or abstract of any report &c. if shown that such abstract was <i>bona fide</i> made defendant entitled to verdict of not guilty.</p> |
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A BILL INTITULED

AN ACT to confer on the Legislative Council and the House of Representatives of New Zealand certain privileges immunities and powers. Title.

BE IT ENACTED by the General Assembly of New Zealand in Preamble.
Parliament assembled and by the authority of the same as follows—

I. The Short Title of this Act shall be "The Parliamentary Short Title.
Privileges Act 1865."

II. "The Privileges Act 1856" is hereby repealed except so far as "Privilege Act 1856"
the same relates or applies to the Superintendents or Provincial repealed except as far
Councils of the Provinces in New Zealand to the Speakers or Superintendents and Pro-
Committees of such Councils or to the printing or publication by any vincial Councils or to
person or persons of reports papers votes or proceedings published by printing of reports
order or under the authority of such Superintendents or Provincial proceedings &c. of
Councils or to the printing or publication by any person or persons of such Councils.

extracts from or abstracts of any such reports papers votes or proceedings And it is hereby expressly provided that from and after the commencement of this Act the words "legislative body" wheresoever used in the said Act shall no longer be taken to include the Legislative Council or the House of Representatives at any time existing within the Colony Provided that as to all acts done and as to all words and communications spoken or written and as to all publications made before the commencement of this Act and which would have been authorized or protected by the said Act or as to which any privilege or immunity was declared or conferred by the

Meaning of Legisla-
tive body in said Act
altered.

said Act the privileges immunities and protection by the said Act conferred or declared shall continue to exist notwithstanding the repeal of the said Act.

Part of fifty-second section of Constitution Act repealed.

III. So much of the fifty-second section of the Constitution Act as provides that no rule or order prepared and adopted by the Legislative Council or House of Representatives under the authority of the said fifty-second section shall be of force to subject any person not being a member or officer of the Council or House to which it relates to any pain penalty or forfeiture is hereby repealed (The provision for submitting the standing orders to the approval of the Governor shall also be repealed.)

Legislative Council and House of Representatives to have same privileges &c. as House of Commons so far as consistent with Constitution Act

IV. The Legislative Council or House of Representatives of New Zealand respectively and the Committees and Members thereof respectively shall hold enjoy and exercise such and the like privileges immunities and powers as on the first day of January one thousand eight hundred and sixty-five were held enjoyed and exercised by the Commons House of Parliament of Great Britain and Ireland and by the Committees and Members thereof so far as the same are not inconsistent with or repugnant to such and so many of the sections and provisions of the said Constitution Act as at the time of the coming into operation of this Act are unrepealed whether such privileges immunities or powers were so held possessed or enjoyed by custom statute or otherwise and such privileges immunities and powers shall be deemed to be and shall be part of the general and public law of the Colony and it shall not be necessary to plead the same and the same shall in all Courts and by and before all judges be judicially taken notice of.

Such privileges &c. to form part of law of Colony.

In case of enquiry into privileges &c. printed copy of Journals of House of Commons evidence of Journals.

V. Upon any enquiry touching the privileges immunities and powers of the said Council or House of Representatives or of any Committee or member thereof respectively any copy of the journals of the said Commons House of Parliament printed or purporting to be printed by order of the said Commons House of Parliament by the printer to the said Commons House shall be admitted as evidence of such journals by all courts judges justices and others without any proof being given that such copies were so printed.

Legislative Council and House of Representatives may administer oaths.

VI. The Legislative Council and House of Representatives and any Committee either of such Council or House and any joint committees of such Council and House may respectively administer an oath to the witnesses examined before such Council or House or Committee and any person examined as aforesaid who shall wilfully give false evidence shall be liable to the penalties of perjury.

Proceedings civil or criminal against persons for publication of reports &c. by order of any Legislative body to be stayed upon production of a certificate verified by affidavit to the effect that such publication is by order of such Legislative body.

VII. It shall be lawful for any person who now is or hereafter shall be a defendant in any civil or criminal proceeding commenced or prosecuted in any manner soever for or on account or in respect of the publication of any report paper votes or proceedings by such person or by his servant or by or under the authority of such Legislative Council or House of Representatives to bring before the Court in which such proceeding shall have been or shall be so commenced or prosecuted or before any judge of the same first giving twenty-four hours notice of his intention so to do to the prosecutor or plaintiff in such proceeding or to his solicitor a certificate under the hand of the Speaker of such Council or House stating that the report paper votes or proceedings as the case may be in respect whereof such civil or criminal proceedings shall have commenced or prosecuted was published by such person or by his servant by order or under the authority of such Council or House together with an affidavit verifying such certificate and such court or judge shall thereupon immediately stay such civil or criminal proceeding and the same and every writ or process issued therein shall be and shall be deemed and taken to be finally put an end to determined and superseded by virtue of this Act.

VIII. In case of any civil or criminal proceedings heretofore or to be hereafter commenced or prosecuted for or on account or in respect of the publication of any copy of such report papers votes or proceedings it shall be lawful for any defendant at any stage of the proceedings to lay before the Court or judge such report papers votes or proceedings and such copy with an affidavit verifying such report papers votes or proceedings and the correctness of such copy and the Court or judge shall immediately stay such civil or criminal proceeding and the same and every writ or process issued therein shall be and shall be deemed and taken to be finally put an end to determined and superseded by virtue of this Act.

IX. It shall be lawful in any civil or criminal proceedings heretofore or to be hereafter commenced or prosecuted for printing any extract from or abstract of any such report papers votes or proceedings to give in evidence under the general issue or denial such report papers votes or proceedings and to show that extract or abstract was published *boná fide* and without malice and if such shall be the opinion of the jury a verdict of not guilty shall be entered for such defendant.

Any such proceeding to be stayed when commenced or prosecuted in respect of a copy of any report verified by affidavit.

In proceedings for printing any extract or abstract of any report &c. if shown that such abstract was *bona fide* made defendant entitled to verdict if not guilty.