



New South Wales

Parliamentary Evidence Amendment (Attendance of Witnesses) Bill 2026

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Parliamentary Evidence Act 1901* (*the Act*) in relation to the summoning of witnesses to attend before the Houses of Parliament or a committee of Parliament for examination.

This Bill is introduced in response to the decision of the Court of Appeal in *Cullen v President of the Legislative Council of New South Wales* [2025] NSWCA 278, which declared the Act, sections 7–9 invalid.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 **Amendment of Parliamentary Evidence Act 1901 No 43**

Schedule 1[1] removes the invalid sections and inserts instead proposed sections 7 and 8. Proposed section 7 provides that the President of the Legislative Council or the Speaker of the Legislative Assembly, as the case requires, may issue a warrant for the apprehension of a person for the purpose of bringing the person before the House or a parliamentary committee to give evidence if—

- (a) the person is summoned to attend and give evidence before the Legislative Council or Legislative Assembly or a parliamentary committee, and
- (b) the person fails to attend and give evidence as required.

The President or the Speaker must not issue the warrant unless satisfied of the person's failure to attend and that the non-attendance is without just cause or reasonable excuse.

Proposed section 8 provides that—

- (a) a warrant issued by the President or the Speaker is sufficient authority for all persons acting under the warrant to apprehend the person named in the warrant, and to keep the person in custody, so the person may be—
 - (i) produced, from time to time, for the purpose of giving evidence, or
 - (ii) remanded and finally discharged from custody, pursuant to an order under the hand and seal of the President or the Speaker, as the case requires (a *discharge order*), and
- (b) a discharge order is sufficient authority for all persons acting under the order, and
- (c) an individual does not incur civil or criminal liability for an act or omission done in good faith in the exercise or discharge, or purported exercise or discharge, of a function under the proposed section.

Schedule 1[2] makes a consequential amendment to the schedules to the Act to provide for a form of warrant to be used by the President or the Speaker.



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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Parliamentary Evidence Amendment (Attendance of Witnesses) Bill 2026

No. _____, 2026

A Bill for

An Act to amend the *Parliamentary Evidence Act 1901* in relation to the attendance and examination of witnesses before the Houses of Parliament or a committee of Parliament; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Parliamentary Evidence Amendment (Attendance of Witnesses) Act 2026*.

3

4

2 Commencement

5

This Act commences on the date of assent to this Act.

6

further orders under the hand of the [*President/Speaker, as the case requires*] for the witness's
remand or final discharge from custody. 1
2

Given under my hand and seal at this day 3
of in the year . 4

[*President/Speaker, as the case requires*] 5