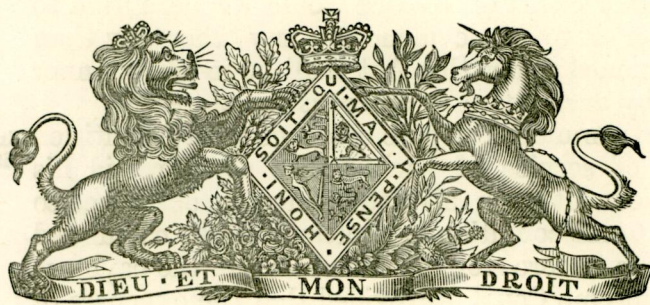


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 7 September, 1881.* }

STEPHEN W. JONES,  
*Clerk of Legislative Assembly.*

## New South Wales.



ANNO QUADRAGESIMO QUINTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to provide for the summoning attendance and examination of Witnesses before either House of Parliament or any Committee thereof.

**W**HEREAS it is expedient that the power of compelling the Preamble.  
attendance of Witnesses and of examining them on oath should  
be possessed by Parliament and Parliamentary Committees Be it  
therefore enacted by the Queen's Most Excellent Majesty by and with  
5 the advice and consent of the Legislative Council and Legislative  
Assembly of New South Wales in Parliament assembled and by the  
authority of the same as follows:—

1. This Act may be cited for all purposes as the "Parliamentary Short title and inter-  
Evidence Act 1881" In its construction and for its purposes the pretation of terms.  
10 expression "Parliament" means the Legislative Council and Legislative  
Assembly of New South Wales.

2. Any person not being a Member of the Legislative Council Witnesses how to be  
or Legislative Assembly may be summoned to attend and give evidence summoned.  
15 order of the said Council or Assembly signed by the Clerk of the  
Parliaments or Clerk of the Assembly (as the case may be) and  
personally served upon the person whose attendance to give evidence  
is required And any such person may be summoned to attend and  
give



*Parliamentary Evidence.*

give evidence before any Committee of either House by an order of such Committee signed by the Chairman thereof and served as aforesaid. The attendance of a Member of Parliament to give evidence before such Council Assembly or Committee shall be procured in conformity  
5 (so far as practicable) with the mode of procedure observed in the British House of Commons.

3. Every witness attending to give evidence before the Legisla- Procedure in  
tive Council or Legislative Assembly or a Committee of the Whole examining witnesses.  
shall be sworn at the bar of the House and the customary oath shall  
10 be administered by the Clerk of the Parliaments or Clerk of the Assembly as the case may be (or in his absence by the officer acting for him) Every witness attending to give evidence before any Committee of either House shall be sworn by the chairman of such Committee. Provided that in any case where a witness if  
15 examined before any superior Court of Record would be permitted to make a solemn declaration or to give evidence in any other way than upon oath a witness summoned under this Act shall be in like manner allowed to give evidence by declaration or otherwise as aforesaid.

4. Every witness so summoned to give evidence shall be entitled Expenses of  
20 to be paid at the time of service of such notice as aforesaid his witnesses.  
reasonable expenses consequent upon his attendance in obedience to such summons according to his condition or profession to be calculated in accordance with the scale in force for the time being in the payment of witnesses before the Supreme Court. Provided that the expenses of  
25 any witness summoned at the instance of a party shall be defrayed by such party but if the witness be summoned for any public enquiry to be examined either by the Council or Assembly or by any Committee thereof his expenses shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund on the receipt by him of a written  
30 authority in that behalf signed by the Clerk of the Parliaments or Clerk of the Assembly or Chairman of the Committee respectively according to the nature of the summons.

5. Any witness so summoned who shall fail to attend and give Penalty for  
evidence in obedience to the order served upon or transmitted to him non-attendance of  
35 shall be liable to the same penalty as he would be for disobedience of a subpoena issuing out of the Supreme Court. And such penalty may be proceeded for by the Attorney General upon the order of the said Council or Assembly (as the case may be) and shall when recovered be applied as a debt due to the Crown.

40 6. No action shall be maintainable against any witness who Privilege of witness.  
has given evidence whether on oath or otherwise under the authority of this Act for or in respect of any defamatory words spoken by him while giving such evidence but if any such witness shall wilfully make False evidence.  
any false statement knowing the same to be false he shall whether  
45 such statement amounts to perjury or not be liable to penal servitude for a term not exceeding five years.

7. If any witness so summoned or attending to give evidence Penalty for refusal to  
shall refuse to answer any lawful question during his examination answer.  
he shall be deemed guilty of a contempt of Parliament and may be  
50 forthwith committed for such offence into the custody of the Usher of the Black Rod or Sergeant-at-Arms and if the House so order to gaol for any period not exceeding one calendar month by warrant under the hand of the President or Speaker as the case may be. Such warrant shall be a sufficient authority for all gaolers and other officers to hold  
55 the body of the person therein named for the term therein stated. And no person acting under the authority of this section shall incur any liability civil or criminal for such act.



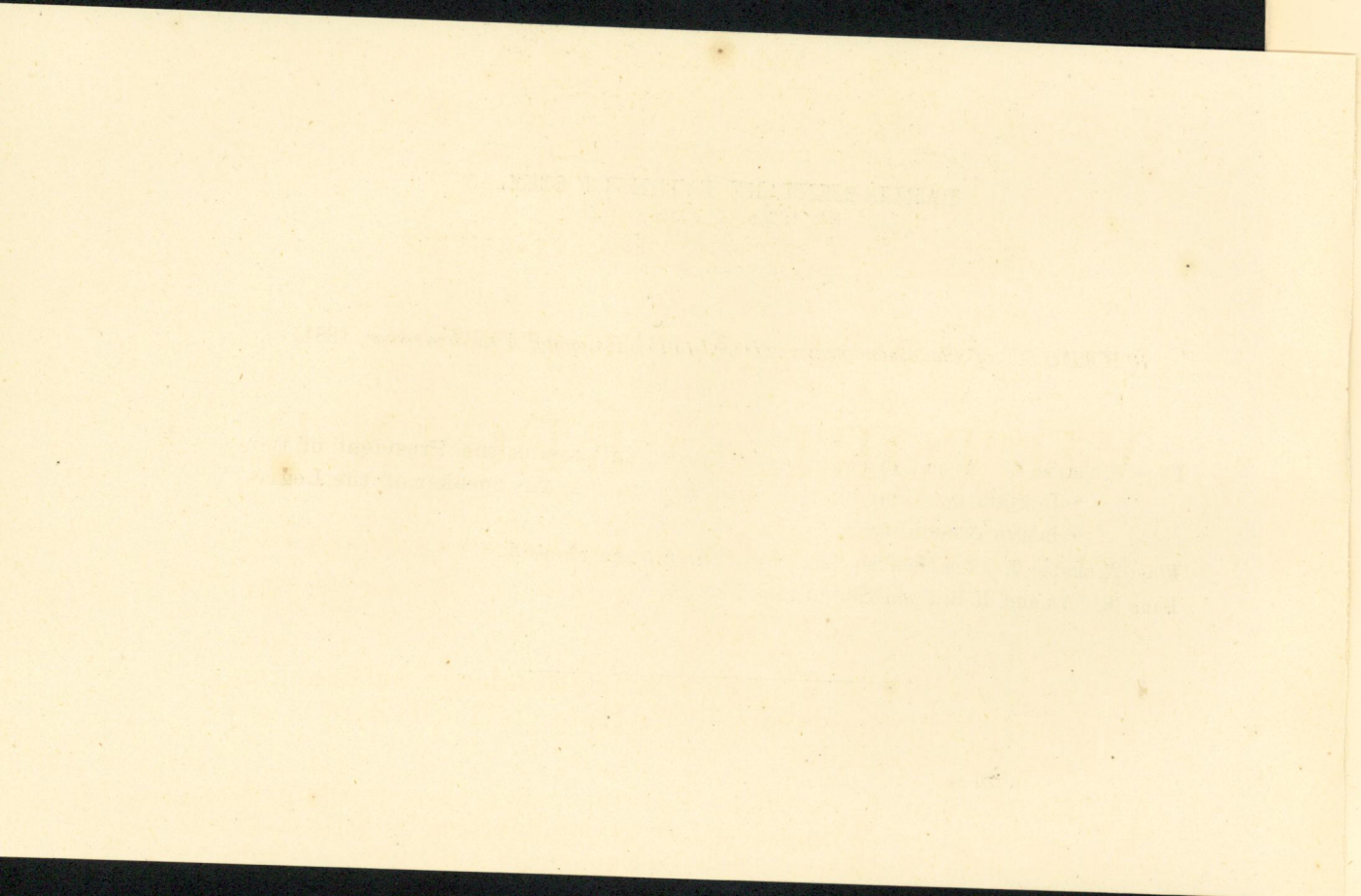
PARLIAMENTARY EVIDENCE BILL.

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*SCHEDULE of the Amendments referred to in Message of 15th September, 1881.*

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- Page 1, clause 1. At end of clause *add* “ ‘President’ means the President of the  
“ Legislative Council and ‘Speaker’ means the Speaker of the Legis-  
“ lative Assembly ”
- Page 2, clause 5. *Omit* clause (as printed) *insert* new clause 5.
- Page 3. At end of Bill *add* Schedules 1 and 2.
-





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

Legislative Assembly Chamber,  
Sydney, 7 September, 1881. }

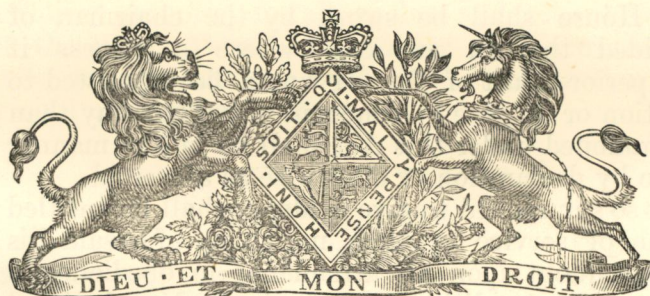
STEPHEN W. JONES,  
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,  
Sydney, 15th September, 1881. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO QUADRAGESIMO QUINTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No.

An Act to provide for the summoning attendance and examination of Witnesses before either House of Parliament or any Committee thereof.

WHEREAS it is expedient that the power of compelling the attendance of Witnesses and of examining them on oath should be possessed by Parliament and Parliamentary Committees Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited for all purposes as the "Parliamentary Evidence Act 1881" In its construction and for its purposes the expression "Parliament" means the Legislative Council and Legislative Assembly of New South Wales "President" means the President of the Legislative Council and "Speaker" means the Speaker of the Legislative Assembly.

2. Any person not being a Member of the Legislative Council or Legislative Assembly may be summoned to attend and give evidence before the Legislative Council or Legislative Assembly by notice of the order of the said Council or Assembly signed by the Clerk of the Parliaments or Clerk of the Assembly (as the case may be) and personally

175—

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.



*Parliamentary Evidence.*

personally served upon the person whose attendance to give evidence is required And any such person may be summoned to attend and give evidence before any Committee of either House by an order of such Committee signed by the Chairman thereof and served as aforesaid  
 5 The attendance of a Member of Parliament to give evidence before such Council Assembly or Committee shall be procured in conformity (so far as practicable) with the mode of procedure observed in the British House of Commons.

3. Every witness attending to give evidence before the Legisla-  
 10 tive Council or Legislative Assembly or a Committee of the Whole shall be sworn at the bar of the House and the customary oath shall be administered by the Clerk of the Parliaments or Clerk of the Assembly as the case may be (or in his absence by the officer acting for him) Every witness attending to give evidence before any  
 15 Committee of either House shall be sworn by the chairman of such Committee Provided that in any case where a witness if examined before any superior Court of Record would be permitted to make a solemn declaration or to give evidence in any other way than upon oath a witness summoned under this Act shall be in like manner  
 20 allowed to give evidence by declaration or otherwise as aforesaid.

4. Every witness so summoned to give evidence shall be entitled  
 to be paid at the time of service of such notice as aforesaid his  
 reasonable expenses consequent upon his attendance in obedience to  
 such summons according to his condition or profession to be calculated  
 25 in accordance with the scale in force for the time being in the payment of witnesses before the Supreme Court Provided that the expenses of any witness summoned at the instance of a party shall be defrayed by such party but if the witness be summoned for any public enquiry to be examined either by the Council or Assembly or by any Committee  
 30 thereof his expenses shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund on the receipt by him of a written authority in that behalf signed by the Clerk of the Parliaments or Clerk of the Assembly or Chairman of the Committee respectively according to the nature of the summons.

5. Any witness so summoned who shall fail to attend and give  
 evidence in obedience to the order served upon or transmitted to him  
 shall be liable to the same penalty as he would be for disobedience of a  
 subpœna issuing out of the Supreme Court And such penalty may be  
 proceeded for by the Attorney General upon the order of the said  
 40 Council or Assembly (as the case may be) and shall when recovered be applied as a debt due to the Crown.

5. If any witness so summoned shall fail to attend and give  
 evidence in obedience to the orders served upon him it shall be lawful  
 for the President or the Speaker as the case may be upon being satisfied  
 45 of the failure of such witness so to attend and that his non-attendance is without just cause or reasonable excuse to certify such facts under his hand and seal to a Judge of the Supreme Court according to the form in the First Schedule hereto or to the like effect And upon such certificate any such Judge shall issue his warrant for the apprehension  
 50 of the person named in such certificate for the purpose of bringing him before the Council Assembly or Committee to give evidence And such warrant shall be in the form of the Second Schedule hereto or to the like effect and shall be a sufficient authority for all persons acting thereunder to apprehend the person named in such warrant and to  
 55 retain him in custody to the intent that he may from time to time be produced for the purpose of giving evidence or be remanded and finally be discharged from custody pursuant to any order under the hand and seal of the President or Speaker as the case may be And every such order shall be a sufficient warrant for all persons acting thereunder.



*Parliamentary Evidence.*

6. No action shall be maintainable against any witness who has given evidence whether on oath or otherwise under the authority of this Act for or in respect of any defamatory words spoken by him while giving such evidence but if any such witness shall wilfully make any false statement knowing the same to be false he shall whether such statement amounts to perjury or not be liable to penal servitude for a term not exceeding five years.

Privilege of witness.

False evidence.

7. If any witness so summoned or attending to give evidence shall refuse to answer any lawful question during his examination he shall be deemed guilty of a contempt of Parliament and may be forthwith committed for such offence into the custody of the Usher of the Black Rod or Sergeant-at-Arms and if the House so order to gaol for any period not exceeding one calendar month by warrant under the hand of the President or Speaker as the case may be Such warrant shall be a sufficient authority for all gaolers and other officers to hold the body of the person therein named for the term therein stated And no person acting under the authority of this section shall incur any liability civil or criminal for such act.

Penalty for refusal answer.

**FIRST SCHEDULE.**

## Form of Certificate.

20

To His Honor

In the matter of the "Parliamentary Evidence Act 1881" and A.B.  
of

This is to certify to your Honor that it hath been made to appear to me that the said A.B. has been duly summoned to attend and give evidence before the pursuant to the "Parliamentary Evidence Act 1881" and that the said A.B. has failed to appear and that his non-appearance is without just cause or reasonable excuse.

Given under my hand and seal at this day of in the  
year of our Lord one thousand eight hundred and

30

President of the Legislative Council

or

Speaker of the Legislative Assembly  
(as the case may be).**SECOND SCHEDULE.**

## Form of Judge's Warrant.

35

In the Supreme Court of }  
New South Wales. }

In the matter of the "Parliamentary Evidence Act 1881" and

To the Sheriff of New South Wales his Deputy and Assistants and to all Constables and other Her Majesty's Officers and Ministers of the Peace whom it may concern

Whereas it hath this day been certified under the hand of\* that of has been duly summoned to attend and give evidence before the pursuant to the "Parliamentary Evidence Act 1881" but hath failed to appear

45

This is to require you forthwith to apprehend the said and to detain him in custody for the purpose of being brought before to give evidence and there to obey all further orders under the hand of the\* or for his remand or for his final discharge from custody.

50

Given under my hand and seal at aforesaid this day  
of in the year of our Lord one thousand eight hundred  
and

A Judge of the Supreme Court of New South Wales.

55

\* President or Speaker (as the case may be).



Parliamentary Business

5. No action shall be taken in relation to the subject matter of the Bill until the Committee has reported thereon. The Committee shall have the honor to report to the House on the subject of the Bill as soon as it is possible to do so. The Committee shall also have the honor to report to the House on the subject of the Bill as soon as it is possible to do so.

6. It is the duty of the Committee to report to the House on the subject of the Bill as soon as it is possible to do so. The Committee shall also have the honor to report to the House on the subject of the Bill as soon as it is possible to do so.

7. The Committee shall have the honor to report to the House on the subject of the Bill as soon as it is possible to do so. The Committee shall also have the honor to report to the House on the subject of the Bill as soon as it is possible to do so.

THIRD READING

Bill of the House

In the matter of the Bill of the House, the Committee has the honor to report to the House that it has had the pleasure of examining the Bill and has found it to be in accordance with the wishes of the House. The Committee has also had the honor to report to the House on the subject of the Bill as soon as it is possible to do so.

The Committee has also had the honor to report to the House on the subject of the Bill as soon as it is possible to do so. The Committee has also had the honor to report to the House on the subject of the Bill as soon as it is possible to do so.

FOURTH READING

Bill of the House

In the matter of the Bill of the House, the Committee has the honor to report to the House that it has had the pleasure of examining the Bill and has found it to be in accordance with the wishes of the House. The Committee has also had the honor to report to the House on the subject of the Bill as soon as it is possible to do so.

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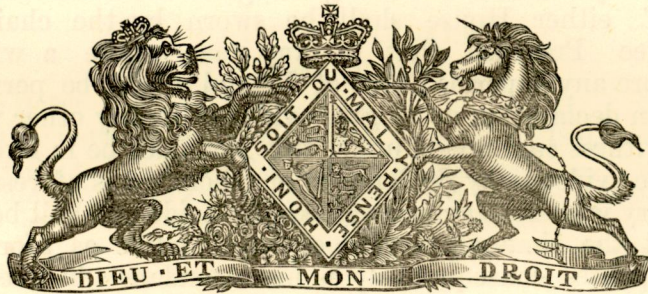
FIFTH READING

Bill of the House

In the matter of the Bill of the House, the Committee has the honor to report to the House that it has had the pleasure of examining the Bill and has found it to be in accordance with the wishes of the House. The Committee has also had the honor to report to the House on the subject of the Bill as soon as it is possible to do so.



New South Wales.



ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

\*\*\*\*\*

No. V.

An Act to provide for the summoning attendance and examination of Witnesses before either House of Parliament or any Committee thereof. [Assented to, 4th October, 1881.]

WHEREAS it is expedient that the power of compelling the attendance of Witnesses and of examining them on oath should be possessed by Parliament and Parliamentary Committees Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited for all purposes as the "Parliamentary Evidence Act 1881" In its construction and for its purposes the expression "Parliament" means the Legislative Council and Legislative Assembly of New South Wales "President" means the President of the Legislative Council and "Speaker" means the Speaker of the Legislative Assembly.

2. Any person not being a Member of the Legislative Council or Legislative Assembly may be summoned to attend and give evidence before the Legislative Council or Legislative Assembly by notice of the order of the said Council or Assembly signed by the Clerk of the Parliaments or Clerk of the Assembly (as the case may be) and personally



*Parliamentary Evidence.*

personally served upon the person whose attendance to give evidence is required. And any such person may be summoned to attend and give evidence before any Committee of either House by an order of such Committee signed by the Chairman thereof and served as aforesaid. The attendance of a Member of Parliament to give evidence before such Council Assembly or Committee shall be procured in conformity (so far as practicable) with the mode of procedure observed in the British House of Commons.

Procedure in  
examining witnesses.

3. Every witness attending to give evidence before the Legislative Council or Legislative Assembly or a Committee of the Whole shall be sworn at the bar of the House and the customary oath shall be administered by the Clerk of the Parliaments or Clerk of the Assembly as the case may be (or in his absence by the officer acting for him). Every witness attending to give evidence before any Committee of either House shall be sworn by the chairman of such Committee. Provided that in any case where a witness if examined before any superior Court of Record would be permitted to make a solemn declaration or to give evidence in any other way than upon oath a witness summoned under this Act shall be in like manner allowed to give evidence by declaration or otherwise as aforesaid.

Expenses of  
witnesses.

4. Every witness so summoned to give evidence shall be entitled to be paid at the time of service of such notice as aforesaid his reasonable expenses consequent upon his attendance in obedience to such summons according to his condition or profession to be calculated in accordance with the scale in force for the time being in the payment of witnesses before the Supreme Court. Provided that the expenses of any witness summoned at the instance of a party shall be defrayed by such party but if the witness be summoned for any public enquiry to be examined either by the Council or Assembly or by any Committee thereof his expenses shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund on the receipt by him of a written authority in that behalf signed by the Clerk of the Parliaments or Clerk of the Assembly or Chairman of the Committee respectively according to the nature of the summons.

Penalty for non-  
attendance of  
witness.

5. If any witness so summoned shall fail to attend and give evidence in obedience to the orders served upon him it shall be lawful for the President or the Speaker as the case may be upon being satisfied of the failure of such witness so to attend and that his non-attendance is without just cause or reasonable excuse to certify such facts under his hand and seal to a Judge of the Supreme Court according to the form in the First Schedule hereto or to the like effect. And upon such certificate any such Judge shall issue his warrant for the apprehension of the person named in such certificate for the purpose of bringing him before the Council Assembly or Committee to give evidence. And such warrant shall be in the form in the Second Schedule hereto or to the like effect and shall be a sufficient authority for all persons acting thereunder to apprehend the person named in such warrant and to retain him in custody to the intent that he may from time to time be produced for the purpose of giving evidence or be remanded and finally be discharged from custody pursuant to any order under the hand and seal of the President or Speaker as the case may be. And every such order shall be a sufficient warrant for all persons acting thereunder.

Privilege of witness.

6. No action shall be maintainable against any witness who has given evidence whether on oath or otherwise under the authority of this Act for or in respect of any defamatory words spoken by him while giving such evidence but if any such witness shall wilfully make any false statement knowing the same to be false he shall whether such statement amounts to perjury or not be liable to penal servitude for a term not exceeding five years.

False evidence.



*Parliamentary Evidence.*

7. If any witness so summoned or attending to give evidence shall refuse to answer any lawful question during his examination he shall be deemed guilty of a contempt of Parliament and may be forthwith committed for such offence into the custody of the Usher of the Black Rod or Sergeant-at-Arms and if the House so order to gaol for any period not exceeding one calendar month by warrant under the hand of the President or Speaker as the case may be. Such warrant shall be a sufficient authority for all gaolers and other officers to hold the body of the person therein named for the term therein stated. And no person acting under the authority of this section shall incur any liability civil or criminal for such act. Penalty for refusal to answer.

## FIRST SCHEDULE.

*Form of Certificate.*

To His Honor

In the matter of the "Parliamentary Evidence Act 1881" and A.B. of  
 THIS is to certify to your Honor that it hath been made to appear to me that the said A.B. has been duly summoned to attend and give evidence before the pursuant to the "Parliamentary Evidence Act 1881" and that the said A.B. has failed to appear and that his non-appearance is without just cause or reasonable excuse.

Given under my hand and seal at           this           day of           in the  
                                                           year of our Lord one thousand eight hundred and

President of the Legislative Council

or

Speaker of the Legislative Assembly  
 (as the case may be).

## SECOND SCHEDULE.

*Form of Judge's Warrant.*

In the Supreme Court of }  
 New South Wales.        }

In the matter of the "Parliamentary Evidence Act 1881" and

To the Sheriff of New South Wales his Deputy and Assistants and to all Constables and other Her Majesty's Officers and Ministers of the Peace whom it may concern

WHEREAS it hath this day been certified under the hand of\*           that  
 of           has been duly summoned to attend and give evidence before the  
 pursuant to the "Parliamentary Evidence Act 1881" but hath failed to appear  
 This is to require you forthwith to apprehend the said           and to detain  
 him in custody for the purpose of being brought before           to give evidence and  
 there to obey all further orders under the hand of the\*           or for his remand  
 or for his final discharge from custody.

Given under my hand and seal at           aforesaid this           day  
                                                           of           in the year of our Lord one thousand eight hundred and

A Judge of the Supreme Court of New South Wales.

\* President or Speaker (as the case may be).



Parliamentary Privileges

7. If any witness or summoned or attending to give evidence shall refuse to answer any lawful question during the examination he shall be deemed guilty of a contempt of Parliament and may be forthwith committed for such offence into the custody of the Clerk of the House or Sergeant-at-Arms and if the House so order to keep for any period not exceeding one calendar month by warrant under the hand of the President or Speaker as the case may be. Such warrant shall be a sufficient authority for all gaolers and other officers to hold the body of the person therein named for the term therein stated. And no person acting under the authority of this section shall incur any liability civil or criminal for such act.

FIRST SCHEDULE

James G. G. G.

To His Honor

In the matter of the "Parliamentary Privileges Act 1871" and a Bill  
This is to certify to your Honor that I have been duly sworn to give  
evidence in the "Parliamentary Privileges Act 1871" and I have  
appeared and that my name is entered in the list of witnesses  
in the year of our Lord one thousand eight hundred and

James G. G. G.

Witness under my hand and seal at  
in the year of our Lord one thousand eight hundred and

SECOND SCHEDULE

James G. G. G.

In the Supreme Court of

In the matter of the "Parliamentary Privileges Act 1871" and  
To the Honorable Mr. Justice G. G. G. and Mr. Justice G. G. G.  
and other Honorable Judges and Members of the Bench when they  
are sitting in the Supreme Court of New South Wales.

Whereas it has been certified under the hand of  
of  
has been duly examined to attend and give evidence before the  
Parliament to the "Parliamentary Privileges Act 1871" and I have  
and to detain  
This is to require you forthwith to appear before the said  
and to give evidence and  
or for his name  
there to obey all further orders under the hand of the  
or for his name

(Given under my hand and seal at  
in the year of our Lord one thousand eight hundred and

A Judge of the Supreme Court of New South Wales.  
President or Speaker (as the case may be).