

1908.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 3 April, 1908.

(Brought in by the Attorney-General, the Honorable L. E. Groom.)

A BILL

FOR

AN ACT

Relating to the Publication of Parliamentary Papers.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Parliamentary Papers Act* Short title.
5 1908.
2. It shall be lawful for either the Senate or the House of Representatives to authorize the publication of any document laid before it. Publication of Parliamentary Papers.
- 3.—(1.) No action or proceeding, civil or criminal, shall lie No action for publishing Parliamentary Papers.
10 against any person for publishing any document under the authority of the Senate or of the House of Representatives.
- (2.) The defendant, in any action or prosecution commenced in respect of the publication of any document published by the defendant or by his servant under the authority either of the Of. Qd. Crim. Code, s. 371 (3).
Can. Crim. Code, s. 289.
15 Senate or of the House of Representatives, may bring before the Court in which the action or prosecution is pending or before any Judge thereof, first giving twenty-four hours' notice of his intention so to do to the plaintiff or prosecutor, a certificate under the hand of the President or Clerk of the Senate or of the Speaker Stay of proceedings if action commenced.
Qd. 1889,
No. 12, s. 40.
20 or Clerk of the House of Representatives, as the case may be, stating that the document in respect whereof the action or prosecution is commenced was published by the defendant or by his servant under the authority of the Senate or of the House of Representatives, together with an affidavit verifying the certificate,
25 and the Court or Judge shall thereupon immediately stay the action or prosecution and may order the plaintiff or prosecutor to pay the defendant his costs of defence.

[C. 56]—780/3.4.1908. — F.2985.

4.—(1.) No

No action for libel for publishing copies, &c., of Parliamentary Papers.
Cf. Qd. Crim. Code, s. 374

4.—(1.) No action or proceeding, civil or criminal, for libel or defamation, shall lie against any person for the publication in good faith for the information of the public of any copy of, or extract from, or abstract of, any document the publication of which has been authorized by the Senate or the House of Representatives.

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(2.) A publication shall be deemed to be made in good faith for the information of the public if the person by whom it is made is not actuated in making it by ill-will to the person defamed, or by any improper motive, and if the manner of the publication is such as is ordinarily and fairly used in the case of the publication of news.

10

Privileges of Parliament not affected.

5. Nothing in this Act shall derogate from any power or privilege of either House of the Parliament, or of the Members or Committees of either House, as existing at the commencement of this Act.

This Bill originated in the House of Representatives; and, having this day passed, is now ready for presentation to the Senate for its concurrence.

C. GAVAN DUFFY,

Clerk of the House of Representatives.

House of Representatives,

Melbourne, 1st June, 1908.

A BILL

FOR

AN ACT

Relating to the Publication of Parliamentary Papers.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Parliamentary Papers Act* Short title.
5 1908.
2. It shall be lawful for either the Senate or the House of Representatives to authorize the publication of any document laid before it. Publication of Parliamentary Papers.
3. When either House of the Parliament has ordered a document to be printed, that House shall be deemed, unless the contrary intention appears in the order, to have authorized the Government Printer to publish the document. Authority to Government Printer to publish.
- 4.—(1.) No action or proceeding, civil or criminal, shall lie against any person for publishing any document published under the authority of the Senate or of the House of Representatives. No action for publishing Parliamentary Papers. Cf. Qd. Crim. Code, s. 371 (3). Can. Crim. Code, s. 239. Stay of proceedings if action commenced. Qd. 1889, No. 12, s. 40.
- (2.) The defendant, in any action or prosecution commenced under the authority either of the Senate or of the House of Representatives, may bring before the Court in which the action or prosecution is pending or before any Judge thereof, first giving twenty-four hours' notice of his intention so to do to the plaintiff or prosecutor, a certificate under the hand
- [C. 56]—150/2.6 1908. — F. 2985.

hand of the President or Clerk of the Senate or of the Speaker or Clerk of the House of Representatives, as the case may be, stating that the document in respect whereof the action or prosecution is commenced was published under the authority of the Senate or of the House of Representatives, together with an affidavit verifying the certificate, and the Court or Judge shall thereupon immediately stay the action or prosecution and may order the plaintiff or prosecutor to pay the defendant his costs of defence. 5

No action for libel for publishing copies, &c., of Parliamentary Papers.
Cf. Qd. Crim. Code, s. 374.

5.—(1.) No action or proceeding, civil or criminal, for libel or defamation, shall lie against any person for the publication in good faith for the information of the public of any copy of, or extract from, or abstract of, any document the publication of which has been authorized by the Senate or the House of Representatives. 10

(2.) A publication shall be deemed to be made in good faith for the information of the public if the person by whom it is made is not actuated in making it by ill-will to the person defamed, or by any improper motive, and if the manner of the publication is such as is ordinarily and fairly used in the case of the publication of news. 15

Application of Act.

6. The protection afforded by this Act shall apply to documents published by the authority of either House of the Parliament after the second day of July One thousand nine hundred and seven. 20

Privileges of Parliament not affected.

7. Nothing in this Act shall derogate from any power or privilege of either House of the Parliament, or of the Members or Committees of either House, as existing at the commencement of this Act. 25

PARLIAMENTARY PAPERS BILL.

(Amendments to be moved by the Attorney-General.)

Page 1. After clause 2 insert new clause—

“2A. When either House of the Parliament has ordered a document to be printed, that House shall be deemed, unless the contrary intention appears in the order, to have authorized the Government Printer to publish the document.”

Authority to
Government
Printer to pub-
lish.

Page 2. After clause 4 insert new clause—

“4A. The protection afforded by this Act shall apply to documents published by the authority of either House of the Parliament after the second day of July One thousand nine hundred and seven.”

Application of
Act.

Printed and Published for the GOVERNMENT of the COMMONWEALTH of AUSTRALIA
by J. KEMP, Government Printer for the State of Victoria.

[C.56]—100/21.5 1908.—F.2985.

1908.
—**HOUSE OF REPRESENTATIVES.**
—PARLIAMENTARY PAPERS BILL.

—*(Amendments to be moved by the Minister on re-committal).*

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Page 1, clause 3, line 10—After “document” insert “published.”

Page 1, clause 3, lines 13, 14—Omit “by the defendant or by his servant.”

Page 1, clause 3, lines 22, 23—Omit “by the defendant or by his servant.”

