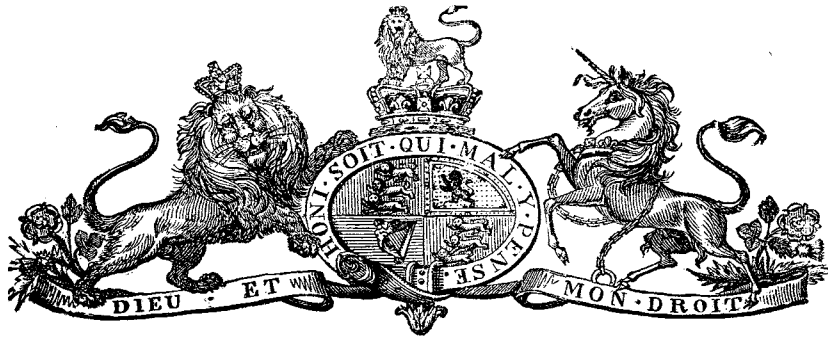


T A S M A N I A.



1858.

ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 17. *V Rec 35 A. 11/11*



AN ACT to confer certain Powers and Privileges
on the Houses of the Parliament of *Tasmania*.

[29 October, 1858.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 Each House of the Parliament of *Tasmania*, and any Committee of either House duly authorised by the House to send for Persons and Papers, is hereby empowered to order any Person to attend before the House or before such Committee, as the case may be, and also to produce to such House or Committee any paper, book, record, or other document in the possession or power of such Person ; and all Persons are hereby required to obey any such Order.

Power to order the attendance of persons.

2 Any such Order to attend, or to produce documents, before either House shall be notified to the Person required to attend, or to produce documents, by a Summons under the hand of the President or Speaker, as the case may be ; and any such Order to attend, or to produce documents, before any such Committee, shall be notified to the Person required to attend, or to produce documents, by a Summons under the hand of the Chairman of the Committee ; and in any such Summons shall be stated the time and place when and where the Person summoned is to attend ; and such Summons shall be served on the Person mentioned therein, either personally, or by leaving the same with some Person for him, at his usual or last known place of abode : Provided that, notwithstanding anything contained in this Section, a

Order to attend to be notified by Summons.

Member of either House may be ordered to attend before the House or any such Committee, without Summons, in the manner heretofore accustomed.

Houses empowered to punish summarily for certain Contempts.

3 Each House is hereby empowered to punish in a summary manner, as for Contempt, by imprisonment in such custody and in such place as it may direct, during the then existing Session or any portion thereof, any of the offences hereinafter enumerated, whether committed by a Member of the House or by any other Person :—

The disobedience of any Order of either House, or of any Committee duly authorised in that behalf, to attend, or to produce papers, books, records, or other documents before the House or such Committee :

Refusing to be examined before, or to answer any lawful and relevant question put by, the House or any such Committee :

The assaulting, menacing, obstructing, or insulting of any Member in his coming to or going from the House, or in the House, or on account of his behaviour in Parliament, or endeavouring to compel any Member by force, insult, or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before either House :

The publishing or sending to a Member any insulting or threatening letter on account of his behaviour in Parliament :

The sending a challenge to fight to a Member, on account of his behaviour in Parliament :

The offering of a bribe to, or attempting to bribe, a Member :

The creating of, or joining in, any disturbance in the House, or in the immediate vicinity of the House.

Members liable for disobedience whether summoned or ordered to attend.

4 A Member of either House guilty of disobedience of any Order of the House, or of any Committee duly authorised in that behalf, to attend, or to produce papers, books, records, or other documents before the House, or such Committee, shall be liable to be punished in a summary manner as aforesaid for such disobedience, whether summoned to attend in the manner provided by Section 2 of this Act, or ordered to attend, without Summons, in the manner heretofore accustomed.

President or Speaker to issue Warrant.

5 For the purpose of punishing any of the Contempts aforesaid, the President or Speaker, as the case may be, is hereby empowered, upon the Resolution in that behalf of the House, to issue his Warrant, under his hand, for the apprehension and imprisonment of any Person adjudged by the House guilty of any such Contempt.

Persons disturbing proceedings of House may be arrested without Warrant.

6 Any Member or other Person creating, or joining in, any disturbance in the House, or in its immediate vicinity, during its actual sitting, may be apprehended without Warrant on the verbal Order of the President or Speaker, as the case may be ; and may be kept in the custody of the Officer of the House until a Warrant can be made out for the imprisonment of such Person in manner aforesaid.

Form of Warrant.

7 Every such Warrant shall contain a statement that the Person therein mentioned has been adjudged by the House guilty of Contempt, specifying the nature of such Contempt in the words of this Act defining the same, or in equivalent words, or in such terms as to show that the Person has been adjudged guilty of any of the Contempts aforesaid; but no particular form shall be necessary to be observed in such Warrant.

8 The Sheriff and his Officers, and all Constables and other persons, are hereby required to assist in the apprehension and detention of any Person in pursuance of the verbal Order of the President or Speaker, as the case may be, by virtue of Section 6 of this Act, and also to be aiding and assisting in the execution of any such Warrant as aforesaid.

Sheriff, Constables, and others to assist in execution of Warrant or verbal Order.

9 It shall be lawful for any Person charged with or assisting in the execution of any Warrant under the hand of the President or Speaker, issued under the authority of this Act, to break open in the daytime all doors of places in which there is reasonable cause to suspect the Person for whose apprehension such Warrant was issued is concealed.

Doors may be broken open in executing Warrant.

10 It shall not be lawful for the Supreme Court, or any Judge thereof, to inquire by *Habeas corpus* or otherwise into the propriety of any Warrant under the hand of the President or Speaker, issued under the authority of this Act, provided that the Warrant purports that the Person therein mentioned has been adjudged by the House guilty of any of the Contempts aforesaid; and the statement of any such Contempt in the words of this Act defining the same, or in equivalent words, or in such terms that it can reasonably be collected from such Warrant that the House has adjudged such Person guilty of any of the Contempts aforesaid, shall be sufficient; and in all cases it shall be a valid and conclusive return to any Writ of *Habeas corpus* to bring up the body of any Person, that such Person is detained by virtue of any such Warrant as aforesaid; and in any Action brought on account of any arrest, trespass, or imprisonment, it shall be a good plea in bar to such Action that such arrest, trespass, or imprisonment took place by virtue of any such Warrant or verbal Order as aforesaid.

Grounds of Warrant not examinable on *Habeas corpus* or otherwise.

Warrant or verbal Order plea in bar to Action.

11 Each House of the Parliament of *Tasmania* shall have the like power of directing Her Majesty's Attorney-General of this Colony to prosecute for any offence cognizable by the Supreme Court, committed against either of the said Houses or any Member thereof, as is possessed by the Commons House of the Imperial Parliament of directing Her Majesty's Attorney-General of *England* to prosecute for offences against the said Commons House of Parliament or any Member thereof; and every person convicted of any such offence before the said Court shall be liable to imprisonment for such offence for any period not exceeding Two years, or to a fine not exceeding Two hundred Pounds and imprisonment until such fine be paid, or to both such punishments.

Power to direct Attorney-General to prosecute for certain offences.

12 Provided always, that nothing in this Act contained shall be deemed or taken, or held or construed, directly or indirectly, by implication or otherwise, to affect any Power or Privilege possessed by either House of the Parliament of *Tasmania* before the passing of this Act, in any manner whatsoever.

This Act not to affect any of the Privileges of Parliament possessed before the passing of the Act.

13 In referring to this Act it shall be sufficient to use the expression *The Parliamentary Privilege Act*.

Short Title.

