

No. , 1899.

A BILL

To protect the publication of parliamentary reports, papers, votes and proceedings and copies of and extracts from the same ; and for purposes consequent on or incidental to that object.

BE it 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. A defendant in any civil or criminal proceeding commenced or prosecuted for or on account or in respect of the publication of any reports, papers, votes or proceedings of the Legislative Council or Legislative Assembly may bring before the Court in which such proceeding has been 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 plaintiff or prosecutor in such proceeding), a certificate under the hand of the President of the Legislative Council or the Speaker of the Legislative Assembly, or of the Clerk of the Legislative Council or Legislative Assembly, stating that such publication was by or under the authority of the Legislative Council or Legislative Assembly or a committee thereof, together with an affidavit verifying such certificate.

Proceeding for publication of papers by order of the Legislative Council or Legislative Assembly.

Such Court or Judge shall thereupon stay such proceeding, and the same and every writ and process issued therein shall be thereby finally put an end to, determined, and superseded.

2. In case of any civil or criminal proceeding commenced or prosecuted for or on account or in respect of the publication of any copy of any such reports, papers, votes or proceedings, the defendant may at any stage of the proceeding lay before the Court in which such proceeding has been so commenced or prosecuted or before any Judge of the same such reports, papers, votes or proceedings, and such copy with an affidavit verifying such reports, papers, votes or proceedings and the correctness of such copy.

Proceeding for publication of a copy.

Such Court or Judge shall thereupon stay such proceeding, and the same and every writ and process issued therein shall be thereby finally put an end to, determined, and superseded.

3. It shall be lawful in any civil or criminal proceeding commenced or prosecuted for publishing any extract from, or abstract of, any such reports, papers, votes or proceedings, to give in evidence under the general issue such reports, papers, votes or proceedings, and to show that such extract or abstract was published bonâ fide and without malice ; and if such be the opinion of the jury (or of the Judge where the proceedings are in a District Court and the Judge sits for the determination of questions of fact) a verdict of not guilty shall be entered for the defendant.

Extract or abstract privileged if published bona fide and without malice.

4. Sections seven, eight, and nine of the Act thirteenth Victoria number sixteen are hereby repealed.

5. This Act may be cited as the "Parliamentary Papers Protection Act, 1899."

Short title.