

The House of Representatives Standing Committee on Privileges

The House of Representatives Standing Committee on Privileges (CA 724) – often referred to as the 'Privileges Committee' – was established in March 1944. It was appointed by the House to inquire into, and report on, complaints of breach of parliamentary privilege. The Privileges Committee comprises the Leader of the House (or their nominee), the Deputy Leader of the Opposition (or their nominee) and nine other members.

Parliamentary privilege means the 'particular legal rights which apply to each House of Parliament, its committees and Members... Each House, its committees and Members enjoy certain rights and immunities (exemptions from ordinary law), such as the privilege of freedom of speech' (taken from the House of Representatives [Infosheet 5 – Parliamentary Privilege](#)).

Since 1944, the Privileges Committee has undertaken a number of inquiries, and its powers of inquiry have expanded to include alleged cases of contempt of Parliament. Contempt is conduct that amounts to an improper interference with the free exercise of the authority or functions of the House or its committees or with the free performance of duties by a Member.

Until the passing of the *Parliamentary Privileges Act 1987*, parliamentary privilege was covered only by section 49 of the Australian Constitution. This meant that the parliamentary privileges enjoyed by the British House of Commons in 1901 also applied to the Parliament of the Commonwealth of Australia.

Records of the Privileges Committee

On 7 December 2000 the House of Representatives voted to authorise the public release of all evidence or documents over 30 years old taken in camera or submitted on a confidential or restricted basis to the Privileges Committee, unless the records contained information exempt under section 33 of the *Archives Act 1983*. Records currently available under this arrangement are listed below.

Records become available when they enter the [open access period](#).

Records of the Privileges Committee

Title or description of record	Date range	Series number
<u>Records of the inquiry into censorship of members' correspondence</u>	1944	A11862
<u>Records of the inquiry into allegations made by the member for Lang, Mr Mulcahy, that the member for the Northern Territory, Mr Blain, had made wrongful use of his parliamentary privilege while he was a prisoner-of-war of the Japanese</u>	1948	A11863
<u>Records of the inquiry into an article written by the chief of The Sun newspaper's Canberra Bureau [Mr Alan Reid], which appeared on 2 October 1951.</u>	1951	A11864
<u>Records of the inquiry into the alleged misuse of a Hansard proof [concerning the publication of an article in The Century newspaper of 20 August 1954]</u>	1954	A11865
<u>Records of an inquiry into articles published in the Bankstown Observer on 28 April and on 5, 12 and 19 May 1955, which reflected upon the member for Reid, Mr Morgan.</u>	1955	A11866
<u>Records of the inquiry into a matter raised by the member for Capricornia, Mr Pearce, on 17 March 1959 [concerning the communications of Mr John Somerville Smith]</u>	1959	A11867
<u>Records of an inquiry into an advertisement in the Canberra Times and other Australian newspapers on 18 August 1965</u>	1965	A11868
<u>Records of the inquiry into the commitment to prison of Member [Mr Uren] who had not paid court costs awarded against him, 1971</u>	1971	A12095
<u>Records of the inquiry into an article concerning 'count out' of the House, appearing in the Daily Telegraph of 27 August 1971</u>	1971	A12097
<u>Records of the inquiry into the letter to the editor written by P Wintle accusing Members of accepting bribes etc, published by the Australian of 13 September 1971</u>	1971	A12098
<u>Records of the inquiry resulting from a letter written to the editor published in The Sun News Pictorial of 6 December 1973 purporting to be written by the Honourable Member for Casey, Mr CR Matthews, MP</u>	1974	A12961
<u>Records of the inquiry relating to an editorial published in the Sunday Observer of 26 February 1978</u>	1978	A13722

Records of inquiries that did not hold in camera hearings

While the Privileges Committee generally held its hearings in camera until 1986, some inquiries were conducted without hearings. Reports on these inquiries are published in the *Votes and Proceedings* of the House of Representatives, which are included in the bound sets of Parliamentary Papers please see *Fact sheet 21 - Parliamentary Papers* for further information. You will find sets of Parliamentary Papers in the National Library of Australia, state libraries and most university libraries. Questions about access to other records of these inquiries should be referred to the Speaker of the House of Representatives, Parliament House, Canberra on (02) 6277 7111.

For more information

For further information on the 1955 inquiry into the articles published in the *Bankstown Observer* please see *Fact sheet 204 - The Browne-Fitzpatrick privilege case*.