

Chapter 24.
Parliamentary Powers and Privileges Act 1964.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 24.

Parliamentary Powers and Privileges Act 1964.

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
 - “broadcast”
 - “the Chamber”
 - “the Clerk of the Parliament”
 - “committee”
 - “the Committee on Parliamentary Broadcasting”
 - “interpreter”
 - “officer of the Parliament”
 - “Parliamentary adviser”
 - “the precincts of the Parliament”
2. Saving of powers under Standing Orders, etc.

PART II – BASIC POWERS, PRIVILEGES, ETC.

3. Powers, privileges and immunities not elsewhere declared.
4. Jurisdiction of courts in respect of officers.

PART III – ANCILLARY POWERS, PRIVILEGES, ETC.

5. Freedom from arrest on civil process.
6. Attendance of members and officers as witnesses.

PART IV – CONTEMPT AND LIKE MATTERS.

7. Contempts of the Parliament.
8. Publication of contempts.
9. Publication, etc., contrary to order of the Parliament.
10. Unauthorized disclosure of parliamentary proceedings.
11. Disclosure of confidential information, etc.
12. Printing false copy of Act, etc.

PART V – PRECINCTS OF THE PARLIAMENT.

13. Precincts of Parliament.
14. Serving of process within the precincts.

15. Removal of persons from the precincts.
16. Directions of Speaker.

PART VI – WITNESSES.

17. Summons to witnesses.
18. Warrant in case of disobedience to summons.
19. Taking of evidence.
20. Offences by witnesses, etc.
21. Witness' expenses.
22. Claim of privilege.

PART VII – INTERPRETERS.

23. Interpreters' oaths.
24. Duty of interpreters.
25. Protection of interpreters.

PART VIII – PUBLICATION OF CERTAIN MATTERS.

26. Publication of documents and evidence.
27. Authority for certain publications.
28. Protection of Authorized Publication.

PART IX – BROADCASTING OF PARLIAMENTARY PROCEEDINGS.

Division 1 – General.

29. Broadcasting of proceedings.
30. Official interpretation, etc.

Division 2 – The Committee on the Broadcasting of Parliamentary Proceedings.

31. Committee on Parliamentary Broadcasting.
32. Resignation.
33. Vacancies.
34. Chairman and Vice-chairman, etc.
35. Meeting of the Committee.
36. Sitting during recess, etc.
37. Functions of the Committee.

PART X – MISCELLANEOUS.

38. Admission of certain documents in evidence.
39. Commencement of prosecutions.

SCHEDULE 1

SCHEDULE 2 – Precincts of the Parliament.

SCHEDULE 3 – Interpreter's Oath and Affirmation.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Parliamentary Powers and Privileges Act 1964,

Being an Act—

- (a) relating to the powers (other than legislative powers), privileges and immunities of the Parliament; and
- (b) to provide for the broadcasting of debates and proceedings of the Parliament,

and for related purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**broadcast**” includes re-broadcast;

“**the Chamber**” means the room or place in which the Parliament is sitting at anytime;

“**the Clerk of the Parliament**” includes a Clerk-assistant;

“**committee**” means a committee of the whole Parliament, a Permanent Parliamentary Committee or a sessional, standing, select or other committee of the Parliament;

“**the Committee on Parliamentary Broadcasting**” means the Committee provided for by Division IX.2;

“**interpreter**” means a person authorized by the Speaker to act as an interpreter in the Parliament;

“**officer of the Parliament**” means—

- (a) the Clerk of the Parliament; and

- (b) an interpreter; and
- (c) any other member of the staff of the Parliament; and
- (d) any other person declared by the Speaker by notice in the National Gazette to be an officer of the Parliament;

“Parliamentary adviser” means a person authorized by the Speaker to act as a confidential adviser to members on parliamentary matters, and includes any person purporting or holding himself out to act in such a capacity in the Parliament;

“the precincts of the Parliament” means the precincts of the Parliament as defined by Section 13.

2. SAVING OF POWERS UNDER STANDING ORDERS, ETC.

This Act does not limit the power or the authority of the Speaker or the Parliament or a committee under the Standing Orders or any other law, and its provisions are in addition to and not in derogation of any such power or authority.

PART II. – BASIC POWERS, PRIVILEGES, ETC.

3. POWERS, PRIVILEGES AND IMMUNITIES NOT ELSEWHERE DECLARED.

(1) The powers (other than legislative powers), privileges and immunities of the Parliament and of the members and committees of the Parliament, to the extent that they are not declared by the provisions of this Act other than this section, are the powers (other than legislative powers), privileges and immunities of the House of Commons of the Parliament of the United Kingdom, and of the members and committees of that House, respectively, at 1 January 1901.

(2) For the purpose of exercising or upholding a power, privilege or immunity declared by Subsection (1), the Parliament may, by resolution, require a person to do or to refrain from doing an act specified in the resolution.

(3) A person who does not act, or refrain from acting, in accordance with a resolution of the Parliament under Subsection (2), is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

4. JURISDICTION OF COURTS IN RESPECT OF OFFICERS.

An officer of the Parliament is not subject to the jurisdiction of a court in respect of the exercise of a power conferred on or vested in him in his capacity as such.

PART III. – ANCILLARY POWERS, PRIVILEGES, ETC.**5. FREEDOM FROM ARREST ON CIVIL PROCESS.**

(1) A member of the Parliament is not liable to be arrested on civil process on a day in respect of which this subsection applies.

(2) Subsection (1) applies in respect of–

- (a) a day fixed by resolution of the Parliament or otherwise to be a day on which the Parliament will sit; and
- (b) the three days immediately preceding a day referred to in Paragraph (a); and
- (c) the three days immediately following a day referred to in Paragraph (a).

6. ATTENDANCE OF MEMBERS AND OFFICERS AS WITNESSES.

(1) Subject to Subsection (4), a member, or officer of the Parliament shall not be required to attend as a witness in any court or tribunal on a day in respect of which this subsection applies.

(2) Subsection (1) applies in respect of–

- (a) a day fixed by resolution of the Parliament or otherwise to be a day on which the Parliament will sit; and
- (b) the three days immediately preceding a day referred to in Paragraph (a); and
- (c) a day fixed by a committee to be a day on which the committee will sit; and
- (d) the three days immediately preceding a day referred to in Paragraph (c).

(3) The production of a certificate under the hand of the Speaker stating–

- (a) that the person named in it is a member or an officer of the Parliament; and
- (b) that the Parliament or a committee is, will be or was, sitting at or during a specified time,

is evidence of the facts stated.

(4) This section does not excuse the attendance of a person as a witness unless he is required to be in attendance at the sitting of the Parliament or a committee of the Parliament.

PART IV. – CONTEMPT AND LIKE MATTERS.

7. CONTEMPTS OF THE PARLIAMENT.

A member of the Parliament or other person who—

- (a) by force, threat of force or threatening or insulting words—
 - (i) compels a member of the Parliament to vote or declare himself for or against any motion or proposal pending or likely to be moved or brought before the Parliament or a committee of the Parliament; or
 - (ii) prevents a member of the Parliament from attending a meeting of the Parliament or a committee of the Parliament; or
- (b) interferes with, resists or obstructs an officer of the Parliament in the execution or performance of any act authorized or ordered—
 - (i) by the Parliament; or
 - (ii) by a committee of the Parliament; or
 - (iii) by or under this Act; or
- (c) by act or words disturbs the proceedings of the Parliament or a committee of the Parliament, or counsels or procures, another person to disturb such proceedings; or
- (d) induces or compels a person called or to be called to give evidence before the Parliament or a committee of the Parliament—
 - (i) to give false testimony; or
 - (ii) to withhold true testimony; or
 - (iii) to refuse or fail to attend before the Parliament or a committee of it for the purpose of giving evidence,

is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

8. PUBLICATION OF CONTEMPTS.

(1) Subject to Subsection (2), a person who publishes any words, orally or in writing, or a cartoon, drawing or other pictorial representation tending to bring the Parliament into hatred or contempt is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

(2) An offence against Subsection (1) is not committed if the publication concerned was such that, had the material published been defamatory, it would have been protected, justified or excused under the *Defamation Act 1962*.

9. PUBLICATION, ETC., CONTRARY TO ORDER OF THE PARLIAMENT.

Notwithstanding anything in this Act, where the Parliament has ordered that any words or matter published in the Parliament shall not be printed or published, a person who prints or publishes any part or report of those words or that matter outside the Parliament is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

10. UNAUTHORIZED DISCLOSURE OF PARLIAMENTARY PROCEEDINGS.

A member, officer or employee, or a former member, officer or employee, of the Parliament who, except with the consent of the Speaker, discloses to any court or tribunal, or to any person who has a duty to inquire into or investigate any matter, the contents of—

- (a) any evidence given before the Parliament or a committee of the Parliament; or
- (b) a report of the debates and proceedings of the Parliament that has not been published with the authority of the Parliament; or
- (c) a manuscript or document laid before the Parliament or a committee that has not been published with the authority of the Parliament,

is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

11. DISCLOSURE OF CONFIDENTIAL INFORMATION, ETC.

An officer of the Parliament or Parliamentary adviser, or a former officer of the Parliament or Parliamentary adviser, who, except with the consent of the member concerned or of the Speaker, reveals to another person any confidential information or other matter given to him, in his capacity as such, by a member of the Parliament is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

12. PRINTING FALSE COPY OF ACT, ETC.

(1) Subject to Subsection (2), a person who—

- (a) prints or causes to be printed a document purporting—
 - (i) to be a copy of an Act, or of a report, paper, notice-paper, minutes, votes or proceedings of the Parliament or a committee of the Parliament; and

- (ii) to be printed by the Government Printer or by or under the authority of the Parliament, a committee of the Parliament, the Speaker or the Clerk of the Parliament; or
- (b) tenders in evidence such a document, knowing the document not to be so printed,

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding three years.

(2) If the court in any civil or criminal proceedings for publishing an extract from or abstract of a report, paper, notice-paper, minutes, votes or proceedings referred to in Subsection (1) is satisfied that the extract or abstract was published *bona fide* and without malice, it shall enter judgement or verdict, as the case may be, for the defendant or accused.

PART V. – PRECINCTS OF THE PARLIAMENT.**13. PRECINCTS OF PARLIAMENT.**

(1) For the purposes of Section 108 (*functions of the Speaker and Deputy Speaker*) of the *Constitution* and of any other law, the precincts of the Parliament consist, subject to Subsection (2), of–

- (a) the area of land described in Schedule 2; and
- (b) the buildings from time to time erected on it.

(2) If the Parliament, by resolution, declares that a specified portion of–

- (a) the area referred to in Subsection (1); or
- (b) a building referred to in Subsection (1),

is not part of the precincts of the Parliament, the specified portion is not part of the precincts of the Parliament while the resolution is in force.

14. SERVING OF PROCESS WITHIN THE PRECINCTS.

(1) A person who, on a day in respect of which this section applies, and within the precincts of the Parliament–

- (a) serves, tenders for service or executes any writ, summons, warrant, order or other process issued by or with the authority of any court or otherwise in accordance with any law; or
- (b) except as authorized by Section 15 arrests another person,

is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

(2) This section applies in respect of–

- (a) a day fixed by resolution of the Parliament or otherwise to be a day on which the Parliament will sit; and
- (b) a day fixed by a committee of the Parliament to be a day on which the committee will sit.

15. REMOVAL OF PERSONS FROM THE PRECINCTS.

(1) The Speaker may direct that a member of the Parliament whom the Parliament has ordered to be excluded or removed from the Chamber be excluded or removed from the Chamber.

(2) The Speaker may, at any time and whether the Parliament is sitting or not, direct that a person who is not a member of the Parliament be removed from the precincts of the Parliament.

(3) In the exercise of his powers under Subsections (1) and (2), the Speaker may require a person to exclude or remove by force the person whom the Speaker has directed to be excluded or removed.

(4) The Speaker and any person acting under his direction is not liable in any legal proceedings for any act done under this section.

16. DIRECTIONS OF SPEAKER.

Where the Speaker had directed the exclusion of a person from the precincts of the Parliament, the person must not—

- (a) refuse or fail to leave the precincts of the Parliament; or
- (b) re-enter or attempt to re-enter the precincts of the Parliament while the direction is in force.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

PART VI. – WITNESSES.**17. SUMMONS TO WITNESSES.**

(1) On the order of the Parliament or of a committee of the Parliament that has been authorized by the Parliament to send for persons and papers, the Clerk of the Parliament or, in the case of a committee, the Clerk of the Parliament or the Chairman of the committee may issue under his hand a summons to a person other than a member of the Parliament—

- (a) to attend before the Parliament or the committee to give evidence before the Parliament or the committee, as the case may be; or
 - (b) to produce to the Parliament or the committee, as the case may be, the papers, book, documents or articles specified in the summons.
- (2) A summons issued under Subsection (1)—
- (a) may be in Form 1 or Form 2; and
 - (b) shall be served personally on the person to whom it is directed.

18. WARRANT IN CASE OF DISOBEDIENCE TO SUMMONS.

(1) If a person on whom a summons issued under Section 17 has been served refuses or fails, after the tender of expenses in accordance with a scale determined by the Speaker and notified in the National Gazette, to appear or to continue in attendance in obedience to the summons, the Speaker or, in the case of a committee, the Chairman or Vice-chairman may issue a warrant for his arrest.

- (2) A warrant under Subsection (1) may be in Form 3, and authorizes—
- (a) the arrest of the person to whom it relates; and
 - (b) his being brought before the Parliament or the committee to give evidence; and
 - (c) his detention in custody for the purpose of Paragraph (b) until he is released by order of the Speaker or of the Chairman or Vice-chairman, as the case may be.

(3) The warrant may be executed by the person to whom it is addressed or by any person whom he appoints to assist him in its execution.

(4) The person executing the warrant has power, with or without assistants, to break and enter any building, place or ship for the purpose of executing the warrant.

(5) The Speaker, or the Chairman or Vice-chairman of a committee of the Parliament issuing a warrant for the arrest of a person under this section may, if he thinks fit by endorsement on the warrant direct that the person named in the warrant be released after arrest on his entering before a Judge or justice, into such recognizance, for his appearance before the Parliament or the committee in accordance with the summons as is required in the endorsement.

19. TAKING OF EVIDENCE.

(1) A committee of the Parliament that has been authorized by the Parliament to send for persons and papers may—

- (a) require that any facts, matters or things relating to the subject of the inquiry by the committee be verified or ascertained by the oral examination of witnesses; and
- (b) cause the witnesses to be examined on oath.

(2) The member presiding at a meeting of a committee of the Parliament may administer an oath to a witness appearing before a committee authorized by Subsection (1) to cause witnesses to be examined on oath.

(3) Where, in accordance with a summons under Section 17 a person attends before the Parliament or a committee of the Parliament—

- (a) to give evidence; or
- (b) to produce books, papers, documents or articles specified in the summons,

he shall not be compelled to answer a question except by, or with the consent of, the Speaker or the Chairman of the committee.

20. OFFENCES BY WITNESSES, ETC.

(1) Subject to Section 21, a person who is served with a summons under Section 17 and who—

- (a) refuses or fails without reasonable excuse, to appear at the time and at the place specified in the summons; or
- (b) refuses to be sworn or to make an affirmation; or
- (c) refuses or fails, without reasonable excuse, to answer a question put to him by, or with the consent of, the Speaker or the Chairman of the committee of the Parliament; or
- (d) refuses or fails without reasonable excuse, to produce to the Parliament or to the committee of the Parliament the books, papers, documents or articles specified in the summons; or
- (e) gives false evidence or makes a statement that is false in any particular; or
- (f) presents to the Parliament or the committee of the Parliament a document that is to his knowledge false,

is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

(2) It is a defence to a prosecution for an offence against Subsection (1)(c) that the answer to the question that the defendant is charged with having refused or failed to answer—

- (a) would tend to criminate him of an offence; or
- (b) was irrelevant to the matter into which the Parliament was inquiring or into which the committee of the Parliament was authorized to inquire.

21. WITNESS' EXPENSES.

A witness appearing before a committee of the Parliament—

- (a) to give evidence; or
- (b) to produce books, papers, documents or articles,

shall be paid such witness' fees and travelling expenses as the Chairman of the committee thinks fit to allow, in accordance with a scale determined by the Speaker and notified in the National Gazette.

22. CLAIM OF PRIVILEGE.

(1) Where a person attends before the Parliament or a committee of the Parliament—

- (a) to give evidence; or
- (b) to produce books, papers, documents or articles,

he may object—

- (c) to answering any question put to him; or
- (d) to producing any book, paper, document or article,

on the ground that to answer the question or to produce the book, paper, document or article would be contrary to the public interest.

(2) Where a person objects, under Subsection (1), to answering a question or to producing a book, paper, document or article, the Parliament or the committee shall, until the end of the period of 72 hours referred to in Subsection (3), desist from requiring an answer to the question or the production of the book, paper, document or article, and the Speaker or the Chairman of the committee, as the case may be—

- (a) shall immediately report to the National Executive Council—
 - (i) the objection taken; and
 - (ii) the nature of the question asked or the book, paper, document or article required to be produced; and
- (b) shall ask the Government whether the objection is supported.

(3) When an inquiry is made under Subsection (2)(b), the Head of State, acting on advice, may, within 72 hours, deliver or refuse to deliver to the Speaker or to the Chairman of the committee a certificate under his hand, certifying that the answer to

the question or the production of the book, paper, document or article would be contrary to the public interest.

(4) If a certificate referred to in Subsection (3) is delivered the Speaker or the Chairman of the committee shall not require the question to be answered or the book, paper, document or article to be produced.

(5) If—

(a) the Head of State, acting on advice, refuses to deliver a certificate referred to in Subsection (3); or

(b) at the end of the period of 72 hours referred to in Subsection (3) he has failed to deliver such a certificate,

the objection made by the person under Subsection (1) shall be deemed to have been disallowed and the person may be then required by the Speaker or the Chairman of the committee—

(c) to answer the question concerned; or

(d) to produce the book, paper, document or article concerned.

PART VII. – INTERPRETERS.

23. INTERPRETERS’ OATHS.

Before entering on the duties of his office, an interpreter shall take an oath or make an affirmation in the form in Schedule 3.

24. DUTY OF INTERPRETERS.

An interpreter who translates, in the course of his duties, any matter for the Parliament or for a committee or a member of the Parliament must, to the best of his ability, correctly translate it.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding three months.

25. PROTECTION OF INTERPRETERS.

Except as provided in Section 24, no action, civil or criminal, lies against an interpreter in respect of the translation by him, in the course of his duties, of any matter for the Parliament or a committee or a member of the Parliament.

PART VIII. – PUBLICATION OF CERTAIN MATTERS.

26. PUBLICATION OF DOCUMENTS AND EVIDENCE.

The Parliament may authorize the publication of any document laid before it or of any evidence given before it.

27. AUTHORITY FOR CERTAIN PUBLICATIONS.

(1) When the Parliament has ordered a document or evidence to be printed, the Parliament shall be deemed, unless the contrary intention appears in the order, to have authorized the Government Printer and the Clerk of the Parliament to publish the document or evidence.

(2) The Parliament shall be deemed to have authorized the Government Printer and the Clerk of the Parliament to publish—

- (a) the notice-paper and the minutes of the proceedings in the Parliament; and
- (b) the report of the debates and proceedings of the Parliament.

28. PROTECTION OF AUTHORIZED PUBLICATION.

(1) No action, suit or proceedings, civil or criminal, lies against a person for publishing any document or evidence published under an authority given under Section 26 or deemed to have been given by virtue a Section 27.

(2) In any action or prosecution commenced in respect of the publication of any document or evidence published under an authority given under Section 26 or deemed to have been given by virtue of Section 27, the defendant may bring before the court in which the action or prosecution is pending or before a Judge or magistrate of that court, after giving 24 hours' notice of his intention to do so to the plaintiff, complainant, informant or prosecutor—

- (a) a certificate under the hand of the Speaker or the Clerk of the Parliament stating that the document or evidence in respect of which the action or prosecution has been commenced was published under that authority; and
- (b) an affidavit verifying the certificate,

and the court, Judge or magistrate—

- (c) shall stay the action or prosecution; and
- (d) may order the plaintiff, complainant, informant, or prosecutor to pay the defendant his costs of defence.

PART IX. – BROADCASTING OF PARLIAMENTARY PROCEEDINGS.***Division 1.******General.*****29. BROADCASTING OF PROCEEDINGS.**

(1) A person must not broadcast any portion of the debates or proceedings of the Parliament or of a committee of the Parliament except–

- (a) by the authority of the Parliament, and in accordance with such conditions as are determined by the Parliament; or
- (b) subject to Section 9, in accordance with a determination under Section 37 by the Committee on Parliamentary Broadcasting.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months.

(2) No action, civil or criminal, lies against any person for broadcasting any portion of the debates or proceedings of the Parliament as permitted by Subsection (1).

30. OFFICIAL INTERPRETATION, ETC.

For the purposes of–

- (a) this Act; and
- (b) the *Defamation Act 1962*,

a person broadcasting a portion of the debates or proceedings of the Parliament as permitted by Section 29(1) is entitled to rely, without question, on the accuracy of–

- (c) a translation or interpretation of a portion of those debates or proceedings made for the purposes of the Parliament by a person authorized by the Speaker to act as an interpreter in the Parliament; and
- (d) a tape-recording or other record of a portion of those debates or proceedings made or kept under the authority of the Speaker,

and is not responsible for any defect, in the translation, interpretation, tape-recording or record, as the case may be.

Division 2.***The Committee on the Broadcasting of Parliamentary Proceedings.*****31. COMMITTEE ON PARLIAMENTARY BROADCASTING.**

(1) At the commencement of the first session of every Parliament, a committee of the Parliament consisting of the Speaker and three members of the Parliament, to be called the Standing Committee of the Parliament on the Broadcasting of Parliamentary Proceedings, shall be appointed, according to the practice of the

Parliament, but subject to this Part, with reference to the appointment of members to serve on Standing Committees.

(2) Each member of the Committee on Parliamentary Broadcasting (other than the Speaker) holds office during the pleasure of the Parliament.

(3) Each member of the Committee on Parliamentary Broadcasting ceases to hold office when the Parliament expires by prorogation or effluxion of time.

32. RESIGNATION.

(1) A member of the Committee on Parliamentary Broadcasting (other than the Speaker) may resign his seat on the Committee by writing under his hand addressed to the Speaker.

(2) The seat of a member of the Committee on Parliamentary Broadcasting becomes vacant if he ceases to be a member of the Parliament.

33. VACANCIES.

Where a vacancy occurs in the Committee on Parliamentary Broadcasting it shall be filled at the next meeting of the Parliament.

34. CHAIRMAN AND VICE-CHAIRMAN, ETC.

(1) There shall be a Chairman and Vice-chairman of the Committee on Parliamentary Broadcasting, who shall be appointed by the Parliament.

(2) In the absence of the Chairman and the Vice-chairman from a meeting of the Committee on Parliamentary Broadcasting, the members in attendance may appoint one of their number to be the temporary chairman, and the temporary chairman has, during the absence of the Chairman and Vice-chairman, all the powers of the Chairman or Vice-chairman.

35. MEETING OF THE COMMITTEE.

At a meeting of the Committee on Parliamentary Broadcasting—

- (a) two members are a quorum; and
- (b) the Chairman or in his absence or disability the Vice-chairman or in the absence of both the temporary chairman appointed under Section 34(2) shall preside; and
- (c) all matters before the meeting shall be decided by a majority of votes and the member presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote; and
- (d) in all cases of divisions, the names of the persons voting shall be stated on the minutes and in the report.

36. SITTING DURING RECESS, ETC.

The Committee on Parliamentary Broadcasting may—

- (a) sit and transact business during any adjournment or recess, as well as during a meeting, of the Parliament; and
- (b) sit at such times and in such places, and conduct its proceedings in such manner, as it thinks proper,

and shall sit in open court.

37. FUNCTIONS OF THE COMMITTEE.

(1) The Committee on Parliamentary Broadcasting shall from time to time consider and set out in a report presented to the Parliament the general principles on which there should be determined the days on which, and the periods during which, the debates or proceedings of the Parliament may be broadcast.

(2) The Committee on Parliamentary Broadcasting shall, in accordance with general principles set out by the Committee and adopted by the Parliament, from time to time determine the days on which, and the periods during which, the debates or proceedings of the Parliament may be broadcast.

(3) The Committee on Parliamentary Broadcasting may from time to time determine the conditions on which a broadcast may be made of a portion of the debates or proceedings of the Parliament.

PART X. – MISCELLANEOUS.

38. ADMISSION OF CERTAIN DOCUMENTS IN EVIDENCE.

On an inquiry concerning the powers, privileges or immunities of the Parliament or of a member of the Parliament, a copy of any document printed or purporting to have been printed—

- (a) by the Government Printer; or
- (b) by the authority of the Clerk of the Parliament; or
- (c) otherwise by or under the authority of the Parliament,

is, in all courts and before all Judges and other persons evidence of the proceedings.

39. COMMENCEMENT OF PROSECUTIONS.

(1) A prosecution for an offence against this Act shall not be commenced except by order of the Speaker.

(2) Where the Speaker has ordered that a prosecution for an offence against this Act be commenced—

- (a) the prosecution shall be commenced on information in the name of the Clerk of the Parliament; and
- (b) the information shall recite that the prosecution has been commenced by order of the Speaker.

(3) In the absence of evidence to the contrary, a prosecution instituted in the name of the Clerk of the Parliament shall, if the information contains a recital that the proceedings have been commenced by order of the Speaker, be presumed to have been duly commenced.

SCHEDULE 1

PAPUA NEW GUINEA.

Parliamentary Powers and Privileges Act 1964.

Form 1 – Summons to Witness Before the Parliament.

To

WHEREAS the National Parliament is concerned to inquire into . . . you are required by this summons to attend, setting all other business aside, before the Parliament on . . . 20... at . . . a.m./p.m. and then and there to give evidence concerning the subject-matter of that inquiry, and then and there to produce the following books, papers, documents and articles:—

Dated . . . 20...

Clerk of the National Parliament.

PAPUA NEW GUINEA.

Parliamentary Powers and Privileges Act 1964.

Form 2 – Summons to Witness Before Committee.

To

You are required by this summons to attend, setting all other business aside, before the Committee of the Parliament appointed to inquire and report to the Parliament on . . . at . . . on . . . 20... at . . . a.m./p.m. and then and there to give evidence concerning the subject-matter of that inquiry, and then and there to produce the following books, papers, documents and articles:—

Dated . . . 20...

Clerk (or Chairman of *(name of Committee)*).

PAPUA NEW GUINEA.

Parliamentary Powers and Privileges Act 1964.

***Form 3 – Warrant for the Apprehension of a Witness who has disobeyed
a Summons.***

WHEREAS (*insert name, address and occupation of witness*) has been summoned to appear before the Parliament (*or as the case may be*), but has failed to appear in obedience to the summons:

These are to command and authorize you to arrest (*insert name of witness*) without delay, and to bring him before the Parliament (*or as the case may be*) to give evidence, and to detain him in custody for that purpose until he is released by order of the Speaker (*or the Chairman or the Vice-chairman, as the case may be*).

Dated . . . 20...

Speaker (*or Chairman or Vice-chairman, as the case may be*).

To (*insert description of persons to whom it is addressed*).

SCHEDULE 2 – ¹PRECINCTS OF THE PARLIAMENT.

Sec. 13.

All that piece of land containing an area of 8.45 hectares or thereabouts being Allotment 7 Section 350 Hohola situated in the City of Port Moresby Milinch of Granville Fourmil of Moresby National Capital District commencing at a point being the northwestern corner of Allotment 5 Section 350 Hohola City of Port Moresby and bounded thence on the west by the eastern boundaries of Independence Drive 40.000 metres wide being straight lines bearing 359 degrees 59 minutes 30 seconds for 125.380 metres 350 degrees 15 minutes 00 seconds for 32.470 metres 349 degrees 44 minutes 00 seconds for 43.190 metres and 343 degrees 39 minutes 20 seconds for 51.665 metres thence generally on the north by the generally southern boundaries of a road 20.000 metres wide and variable width being straight lines bearing 28 degrees 39 minutes 20 seconds for 14.140 metres 73 degrees 39 minutes 20 seconds for 15.365 metres 81 degrees 16 minutes 20 seconds for 24.380 metres 99 degrees 04 minutes 50 seconds for 22.180 metres 113 degrees 41 minutes 10 seconds for 23.150 metres 127 degrees 17 minutes 00 seconds for 22.120 metres 134 degrees 03 minutes 40 seconds for 25.880 metres 116 degrees 08 minutes 00 seconds for 23.840 metres 88 degrees 17 minutes 00 seconds for 30.010 metres 73 degrees 20 minutes 00 seconds for 34.860 metres 162 degrees 23 minutes 10 seconds for 13.220 metres 93 degrees 58 minutes 40 seconds for 30.270 metres 4 degrees 24 minutes 40 seconds for 23.120 metres 57 degrees 11 minutes 30 seconds for 25.920 metres and 32 degrees 23 minutes 20 seconds for 5.655 metres to a point on the south-eastern boundaries of the said road 20.000 metres wide thence on the north-west by the south-eastern boundary of Allotment 8 Section 350 Hohola City of Port Moresby being a straight line bearing 73 degrees 59 minutes 10 seconds for 60.155 metres to a point on the western boundaries of Magani Crescent 25.000 metres wide thence on the east by the western boundaries of the said Magani Crescent 25.000 metres wide being straight lines bearing 163 degrees 59 minutes 10 seconds for 175.495 metres and 186 degrees 10 minutes 40 seconds for 126.945 metres to a point being the north-eastern corner of Allotment 6 Section 350 Hohola City of Port Moresby thence generally on the south by the generally northern boundaries of the said Allotment 6 Section 350 Hohola City of Port Moresby being straight lines bearing 270 degrees and 00 minutes for 45.370 metres 290 degrees 08 minutes 40 seconds for 24.390 metres 309 degrees 48 minutes 00 seconds for 25.960 metres and 270 degrees and 00 minutes for 142.200 metres to a point being the north-eastern corner of the said Allotment 5 Section 350 Hohola City of Port Moresby and bounded on the south by the northern boundary of the aforesaid Allotment 5 Section 350 Hohola City of Port Moresby being a straight line bearing 270 degrees and 00 minutes for 104.940 metres to the point of commencement as delineated on plan catalogued 49/1482 in the Department of Lands and Surveys Port Moresby be the said several dimensions all a little more or less and all bearings Paga Meridian.

¹ Schedule 2 replaced by No. 9 of 1984.

SCHEDULE 3 – INTERPRETER’S OATH AND AFFIRMATION.

Oath.

“I, . . . , do swear that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of Interpreter in the National Parliament, and that I will to the best of my ability correctly interpret any matter that I am required to interpret.

So help me God!”

Affirmation.

“I, . . . , do solemnly and sincerely affirm and declare that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of Interpreter in the National Parliament, and that I will to the best of my ability correctly interpret any matter that I am required to interpret.”

Office of Legislative Counsel, PNG