

New Zealand.

HOUSE OF REPRESENTATIVES

Report of Committee appointed by the House of Representatives on the 23rd June, 1854, "to enquire and report what are or ought to be the Privileges of the house or of the members thereof."

YOUR Committee having fully considered the subject referred to them, and having in pursuance of the authority of the House, given to them on the fourteenth day of July last, consulted with a Committee appointed by the Legislative Council to enquire and report upon the same subject, have agreed to the following report.

Your Committee are of opinion that the House of Representatives of New Zealand has no inherent rights or privileges similar to those asserted by the British House of Commons, who claim their privileges by prescriptive and immemorial usage, and also as a Court of Judicature, upon neither of which grounds can the House of Representatives rest a similar claim. Your Committee are of opinion that the House of Representatives has not from any analogy to the British Parliament a right to claim privileges according to the Law and usage of Parliament, neither can the House claim them as a Court of Judicature, for with the exception of a power to act as "Judges without appeal of the validity of the election of each member thereof" (clause 45 Constitution Act) the House has no judicial functions. The only grounds upon which the House can found a claim to peculiar privileges is, that by the common Law it is invested with all such powers as are necessarily incidental to its existence and to the proper exercise of the functions which it is called upon to perform, and it has been decided by the Privy Council in the case of *Keilley v. Carson* and others, 4 Moore 89, that a colonial Legislature has the right of protecting itself from all impediments to the due course of its proceedings. And that to the full extent of every measure which it may be really necessary to adopt to secure the free exercise of their Legislative function they are justified in acting by the principles of the common law, but that where its functions can be performed without extraordinary power, the House must call in the aid of the ordinary tribunals to investigate and punish contemptuous insults and interruptions.

Your Committee recommend that in order to avoid any difficulty or doubt as to the extent of those powers which are necessary to protect the House from impediments to the course of its proceedings, and to afford a prompt and certain remedy against the disturbance thereof, an Act be passed embodying the following powers:—

Power to preserve order in the house and precincts.

Power to call for witnesses and papers under the authority of the Speaker's Summons.

Power to punish disobedience by fine not exceeding £20, or imprisonment in the common Gaol for any time not exceeding 14 days.

And that the Act should secure to members the following privileges:—

Exemption from serving on Juries and in the Militia.

Liberty of speech and protection from the Law of Libel for Members and for persons publishing papers under the authority of the House.

— FRED. W. MERRIMAN,

Chairman.

August 1st, 1854.

