
Carne-age: Article IX in Australia Today

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Abstract: This article examines the continuing relevance of Article IX of the Bill of Rights 1688 in Australian law, with particular attention to the recent case of *Crime and Corruption Commission v Carne*.² Article IX, which enshrines the principle that parliamentary proceedings should not be questioned in any court, remains a cornerstone of parliamentary privilege in Australia. However, the Carne case has challenged this long-standing principle, raising important questions about its application to documents received by parliamentary committees. Through an analysis of the statutory, constitutional, and common law foundations of Article IX in Australian jurisdictions, the article argues that the High Court's decision in Carne undermines the protections guaranteed by Article IX, particularly regarding the handling of committee documents. The case exemplifies judicial skulduggery concerning parliamentary processes, weakening the constitutional principle of mutual respect between the judiciary and parliament. Ultimately, this article advocates for a reaffirmation of Article IX as a foundational principle in Australia's constitutional framework, warning that further judicial interference could erode the essential privileges of parliament and disrupt the balance of power between branches of government.

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² *Crime and Corruption Commission v Carne* [2023] HCA 28

INTRODUCTION

Article IX of the *Bill of Rights 1688* (Article IX) is often cited as the foundational text for the privilege of freedom of speech in parliaments and the enshrinement of the single most important of all the parliamentary privileges.³ Its importance cannot be overstated.⁴ The text of Article IX is:

*That the freedom of speech and debates or proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament.*⁵

This article seeks to defend the view that the principles espoused in Article IX remain the authoritative statement of the law of the free-speech privilege in Australia. This view must be defended, as in the recent case of *Crime and Corruption Commission v Carne*,⁶ (Carne) the judges of the High Court reached a conclusion at odds with the principles of Article IX.

The article will first discuss the basis of Article IX in Australian law. It will then consider the application of Article IX to receipt of documents by parliamentary committees. This will permit a short exegesis of the Carne litigation, and an argument that a proper appreciation of Article IX as encapsulated in the relevant Queensland legislation could only have led to a different decision. Finally, the article concludes that the approach of the superior courts in Carne, and their reluctance to engage with Article IX, is concerning for the constitutional fabric of our Commonwealth, and inimical to the ‘ethic of mutual respect’ upon which it is partly based.

³ Joint Committee on Parliamentary Privilege, *Parliamentary Privilege – First Report* (House of Lords Paper No 43, House of Commons Paper No 214, Session 1998-99) p. 17.

⁴ *R v Chaytor* [2011] 1 AC 684, 174 per Lord Judge CJ.

⁵ *Bill of Rights* [1688] 1 Will and Mar Sess 2, Ch II.

⁶ *Crime and Corruption Commission v Carne* [2023] HCA 28.

CONSTITUTIONAL, STATUTORY AND COMMON LAW STATUTORY FOUNDATIONS FOR ARTICLE IX

The *Bill of Rights 1688* is a valid Act of the UK parliament that remains in force.⁷ Although some doubt has been raised as to when, if at all, Article IX of the Bill of Rights was ‘received’ into the fledgling colonies of the antipodes,⁸ the Australian colonies resolved this doubt through legislation shortly following the achievement of responsible government (or later).⁹ They did this in three ways.

First, by repeating the text of Article IX in the text of a statute.¹⁰ Secondly, by containing a provision in either the State’s constitution,¹¹ or in an express statute on parliamentary privilege, which ties the privileges of the jurisdiction’s parliament to those of the ‘the privileges, immunities and powers by custom, statute or otherwise of the Commons House of Parliament of the United Kingdom and its members and committees...’.¹² It follows that the privileges and immunities of the Commons House of parliament include the Article IX protections.¹³ Through linking the privileges of a parliament to the Commons House, that parliament can also enjoy the same privileges.¹⁴ The third incorporation is by enacting a statute that declares that the Bill of Rights is in force in

⁷ *Bill of Rights* [1688] 1 Will and Mar Sess 2, Ch II.

⁸ Colin Huntly, ‘Reception issues? Check your regional settings’ (Conference Paper, ASPG Conference, September 2023).

⁹ Prior to States gaining Constitutions, it was generally held that the laws of the parent country were the laws of the colony as far as they can be applied to the local conditions: *R v Farrell, Dingle and Woodward* (1831) 1 Legge 5 per Forbes CJ.

¹⁰ See *Parliament of Queensland Act 2001* (Qld) s 8, *Legislative Assembly (Powers and Privileges) Act 1992* (NT) s 4, *Imperial Acts Application Act 1969* (NSW).

¹¹ For example: *Constitution Act 1975* (Vic) s 19; Australia, *Commonwealth of Australia Constitution Act 1901* s 49; *Constitution Act 1934* (SA) s 38. The Australian Capital Territory is one step further removed from the Commons, pegging their privileges to the House of Representatives: *Australian Capital Territory (Self-Government) Act 1988* (Cth) s 24.

¹² *Parliamentary Privileges Act 1891* (WA) s 1. The point in time at which the privileges and immunities of the Commons are tethered to the Australian legislatures differs from jurisdiction to jurisdiction, but all are much later than 1688.

¹³ ‘The privilege was clearly and widely established, in both Houses, and was largely protected from outside interference, whether by the Crown intent on stifling poetical initiatives or “indecorous” criticism, by the courts, as in 1629’: Erskine May, *Parliamentary Practice*. London: Butterworths, 22nd ed, 1997, p. 73.

¹⁴ *The President of the Legislative Council of Western Australia v Corruption and Crime Commission [No 2]* [2021] WASC 223, [95] per Hall J.

the jurisdiction,¹⁵ or by enacting a specific statute to cover the field, such as the *Parliamentary Privileges Act 1987* (Cth).

Another source of Article IX can be found in the common law, or the *lex et consuetudo parliamenti*.¹⁶ Although there has been some dispute as to whether the law of parliament is separate and distinct to the law of the land, the *lex terrae*,¹⁷ both will be taken to be part of the common law administered by the courts for the purposes of this article.¹⁸

In Australia and other former colonies of Great Britain, the common law position is that only powers and privileges of Westminster ‘reasonably necessary for the proper exercise of their functions and duties’ were automatically imported into the colonial legislatures.¹⁹ What is reasonably necessary depends upon what the conventional practices are of the House.²⁰ It has been held that the foundational principle espoused in Article IX meets the test of reasonable necessity in Australian parliaments.²¹

The discussion above demonstrates the entrenched nature of the principles contained in Article IX in modern Australian law and highlights its ongoing influence on the shape and scope of parliamentary privilege. This article will now turn to discuss what Article IX protects, in the context of parliamentary committees.

PROCEEDINGS IN PARLIAMENT - COMMITTEES

The Article IX protection of proceedings in parliament captures a variety of matters, and as Erskine May notes, ‘... comprehensive lines of decision have not emerged and

¹⁵ *Imperial Acts Application Act 1969* (NSW) s 6.

¹⁶ *Kielly v Clarkson* [1842] 4 Moore PC 63; (1842) 12 ER at 236.

¹⁷ Josh Chafetz, ‘Lex Parliamenti vs. Lex Terrae’ in *Democracy’s Privileged Few: Legislative Privilege and Democratic Norms in the British and American Constitutions*. New Haven: Yale University Press, 2007.

¹⁸ ‘The privileges of the House are as much a part of the law of the land as the statute, ecclesiastical, or admiralty law, all of which must be noticed and determined by the courts of common law, when brought before them in the ordinary course of justice’: *Stockdale v Hansard* (1839) 9 Ad & Ell 96; 112 ER 1112.

¹⁹ *Kielly v Clarkson* [1842] 4 Moore PC 63.

²⁰ *Egan v Willis* (1998) 195 CLR 424, 454 per Gaudron, Gummow and Hayne JJ.

²¹ *Gipps v McElhone* (1881) 2 LR NSW 18; *Chenard & Co. v Joachim Aressol* (1949) AC 127.

indeed it has been concluded that an exhaustive definition could not be achieved'.²² Rather than reviewing all possibilities for what could be considered a proceeding,²³ this article will limit the discussion to a penumbral question of whether documents provided to a committee fall under Article IX's auspices²⁴

It is generally accepted that committee proceedings are covered by Article IX.²⁵ This includes what is said at a committee meeting or hearing, submissions to a committee, and other committee documents such as its meeting papers.²⁶ However, not all documents received by a committee are protected by Article IX *simpliciter*. Junk mail in a committee inbox, for example, is not protected.²⁷ The courts have held that some act must be done to enliven parliamentary privilege: 'the question again is whether it can properly be said that creating, preparing or bringing those documents into existence were "acts" done for purposes of or incidental to the transacting of ... business'.²⁸

If a permanent commission of inquiry prepared a report for submission to a parliamentary committee, does privilege attach to the document prepared and provided to the committee? This scenario was considered by the Supreme Court of Queensland, the Queensland Court of Appeal and the High Court of Australia, with learned judges in the three courts taking starkly different approaches, which will now be discussed.

²² David Natzler et al (eds), *Erskine May's treatise on the law, privileges, proceedings and usage of Parliament*. LexisNexis; 25th edition, 2019.

²³ The boundaries of what constitutes a proceeding are not 'clear cut': *The President of the Legislative Council of Western Australia v Corruption and Crime Commission* [No 2] [2021] WASC 223, [175] per Hall J.

²⁴ HLA Hart, 'Positivism and the Separation of Law and Morals' *Harvard Law Review* 71(4) 1958.

²⁵ Gerard Carney, *Members of Parliament: Law and Ethics*. NSW; Prospect Media, 2000, pp. 210-11.

²⁶ An enumeration of protected proceedings can be found in s 16 of the Commonwealth *Parliamentary Privilege Act 1987*, which has been judicially considered to be declarative of the common law position: *Prebble v Television New Zealand Ltd* [1995] 1 AC 321 at 335; [1994] 3 All ER 407 per Lord Browne-Wilkinson.

²⁷ *Rowley v O'Chee* [1997] QCA 401, 11. See also *Victorian Taxi Families Inc v Taxi Services Commission* [2018] VSC 59.

²⁸ *O'Chee v Rowley* (1997) 150 ALR 199, 209.

CARNE V CRIME AND CORRUPTION COMMISSION

This litigation concerned a report (the report) prepared by the Corruption and Crime Commission of Queensland (CCC) into allegations against Mr Carne, who was the Public Trustee of Queensland at the time.²⁹ The CCC provided the report to the Parliamentary Crime and Corruption Committee (the PCCC), which was anticipating it.³⁰ The PCCC is the Committee of the Queensland Parliament which oversees the CCC and reports to the parliament. The PCCC gave the CCC a certificate upon receipt of the report, as required by statute,³¹ that the report was ‘prepared for the purposes of, or incidental to, transacting business of the [PCCC]’.³² The Commission requested that, pursuant to the *Crime and Corruption Act 2001* (Qld) (the CC Act),³³ the PCCC direct that the report be given to the Speaker of Queensland Parliament for tabling. Mr Carne commenced proceedings against the CCC with the ultimate aim of preventing the report’s publication.³⁴

The issues in the case turned on the statutory functions of the CCC, and whether the report fell within the business of the CCC, which would enliven Article IX.³⁵

In the Supreme Court

In the first instance, the trial judge Justice Davis dismissed Carne’s application, finding there was ‘no doubt’ that the report was authorised by the relevant sections of the *Crime and Corruption Act 2001* (Qld) and protected by parliamentary privilege.³⁶ His Honour found that presenting or submitting a document to the Assembly, a committee

²⁹ Summary of facts derived from the joint judgement of McMurdo and Mullins JJA in *Carne v Crime and Corruption Commission* [2022] QCA 141,

³⁰ *Carne v Crime and Corruption Commission* [2022] QCA 141 at [89] (‘Carne’).

³¹ *Parliament of Queensland Act 2001* (Qld) s 55.

³² As above n 28.

³³ Section 69(1)(b).

³⁴ Facts taken from the judgement of McMurdo and Mullins JJA in *Carne v Crime and Corruption Commission* [2022] QCA 141.

³⁵ There have been several pieces of excellent scholarship which have dealt with aspects of the Carne case, notably by Neil Laurie; *Mount Erebus to Ann Street: Forty years of judicial supervision of ad hoc and permanent commissions of inquiry and the intersection with parliamentary privilege and doctrines of mutual respect*, delivered at the 2023 ASPG Conference, Perth.

³⁶ *Carne v Crime and Corruption Commission* [2021] QSC 228 per Davis J.

or an inquiry squarely falls under the definition of ‘Proceedings in the Assembly’ under section 9 of the *Parliament of Queensland Act 2001* (Qld). Justice Davis firmly stated that ‘delivery to the PCCC is, relevantly, delivery to the Assembly. Privilege attaches to the report’.³⁷

In the Queensland Court of Appeal

The majority of the Court of Appeal decided in favour of Carne. Justices Mullins and McMurdo found that the CCC did not have the authority to make the report, as the report did not fulfill one of the statutory functions of the CCC. This was because the outcome of the investigation into Carne was that there will be no criminal or disciplinary proceeding against him.³⁸ The majority reasoned that as the report was made in ‘purported, but not actual performance of the Commission’s functions’, privilege did not attach.³⁹

Justice Freeburn in dissent found that the report was prepared by the CCC in performance of its statutory functions.⁴⁰ Like the trial judge, Freeburn J also found that on the ‘expansive’ wording of section 9 of the *Parliament of Queensland Act 2001* (Qld),⁴¹ the report was a proceeding of the Assembly, and that it was

*...protected [by] privilege... the appellant cannot ask the court to, for example, declare that, in preparing the report, the Commission failed to observe the requirements of procedural fairness. Any impeachment or questioning of the report, or the report’s preparation, is a matter for parliament rather than the courts.*⁴²

³⁷ *Carne* QSC at [121].

³⁸ *Carne v Crime and Corruption Commission* [2022] QCA 141 at [59].

³⁹ *Carne* QCA at [81].

⁴⁰ *Carne* QCA at [125]-[138].

⁴¹ *Carne* QCA at [144].

⁴² *Carne* QCA at [159].

In the High Court of AUstralia

The High Court of Australia, in two separate judgements, upheld the majority decision of the Queensland Court of Appeal.⁴³

Chief Justice Kiefel and Justices Gageler and Jagot based their reasons in large part upon the ‘purposes’ of the CCC in preparing the report, and found that as the CCC’s purposes for preparing the report were not those of the PCCC, the report did not meet the statutory requirements of a report.⁴⁴ The majority found that the CCC Act did not authorise the report on Mr Carne, and that on the facts the ‘requisite connection’ to the business of the Committee was not established.⁴⁵ The Justices did note that if the ‘requisite connection’ was established, the ‘large question’ of parliamentary privilege would have to be determined.⁴⁶

Justices Gordon and Edelman similarly found that no question of privilege arose in the case as no act was done in the course of, or for the purposes of or incidental to, transacting business of the PCCC to which parliamentary privilege could attach.⁴⁷ This followed the requirement for an ‘appropriative act’ established in *Rowley and O’Chee*.⁴⁸ Their Honours found that ‘[it] is unnecessary and inappropriate to determine the metes and bounds of parliamentary privilege in this case’.⁴⁹

THE LARGE QUESTION, THE LARGE PROBLEM

This article contends that the ‘large question’ alluded to by the High Court *was* enlivened by the Committee’s possession of the report, and that contrary to the High Court’s reasoning, based on what the CCC can and cannot do under the CCC Act, parliamentary privilege attached to the report as soon as the Committee had it.⁵⁰ The

⁴³ *Crime and Corruption Commission v Carne* [2023] HCA 28.

⁴⁴ *Carne* HCA at [24]-[25].

⁴⁵ *Carne* HCA [38]-[39].

⁴⁶ See above n 42.

⁴⁷ *Carne* HCA at [78].

⁴⁸ See above n 25.

⁴⁹ *Carne* HCA at [114].

⁵⁰ An official report from a statutory body of which the Parliamentary Committee had knowledge is fundamentally different to junk mail in a Member’s inbox, to distinguish *O’Chee v Rowley* [2000] 1 Qd R 207.

judgments do not acknowledge that the PCCC might have its own purposes. The consequence of the High Court of Australia's decision, in side-stepping the privilege issue, is that they have stymied the PCCC and by extension the parliament in dealing with a document that was before it.

The argument that no act was done to distinguish the CCC's report from other documents in the Committee's 'post box'⁵¹ ignores the reality that, were the litigation not commenced, more would have been done by the Committee in transacting its business on the matter. The High Court acknowledges as much: '[h]ad the Committee commenced consideration... the report may have been the subject of its business, but that point was not reached'.⁵²

It is difficult to see how the report was not a proceeding of the Parliament. The Clerk of the Parliament of Queensland puts it succinctly:

*the preparation of the report was anticipated by the PCCC, it was clearly prepared for the PCCC's consideration, and it was presented to the Committee and was under its consideration when the action was taken in the Supreme Court. What further acts needed to be taken?*⁵³

It is for the parliament through its Committee, rather than the courts, to decide whether the report was one they could properly table, and that judicial intervention following court action by a person who is adversely referred to in a report, is an improper trespass onto the province of the legislature by the judicial arm of government.⁵⁴ This decision potentially allows any aggrieved person who may wish to force a parliament's hand into not tabling papers, to apply to the court for declarative or injunctive relief, raising arguments based on 'purpose' and statutory interpretation rather than meaningfully adhering to the constitutional principle contained in Article

⁵¹ *O'Chee v Rowley* at [115].

⁵² *O'Chee v Rowley* at [39].

⁵³ Neil Laurie, 'Removing the watchdog's bark: Crime and Corruption Commission v Carne', *AUSPUBLAW* (Blog Post, 24 October 2023) Accessed at <https://www.auspublaw.org/blog/2023/10/removing-the-watchdogs-bark-crime-and-corruption-commission-v-carne>.

⁵⁴ Michael McHugh, 'Tensions Between the Executive and The Judiciary'. *Australian Law Journal* 76(9) 2002, pp. 567-580: 'none is supposed to trespass into the other's province'.

IX.⁵⁵ That Article IX is a constitutional principle in the context of this case cannot be doubted. Following from the earlier discussion, the Queensland Constitution provides that the powers, rights and immunities of the Legislative Assembly and its members and committees are the powers, rights and immunities defined under an Act; and this definition has happened.⁵⁶ This is true in the Commonwealth also, with section 49 of the *Australian Constitution* allowing the House to declare its privileges.⁵⁷ It has been said recently that in regards to an important case concerning section 92 of the Australian Constitution,⁵⁸ that the High Court was ‘...weak, timorous, and engaged in an absurd debate about vague conceptions....’.⁵⁹ It is a suggestion of this article that the High Court of Australia has behaved similarly here.

The Ethic of Mutual Respect

Now that the dust has settled on the Carne case, what is to prevent the parliamentary Committee forwarding the CCC report to the Speaker for tabling after all? It is entirely within the power of the Committee to do so.⁶⁰ If this was to occur, the ‘large question’ is put and it is hard to see what action might be taken by Carne or one of the other branches of government. The tabled report would unquestionably form part of the proceedings of the Assembly, and one would hope that in such a case Article IX would certainly prevent any further intervention.

It could be said that the PCCC’s decision to postpone its consideration of the report until the conclusion of the Carne litigation is due to parliament’s adherence to the ‘ethic

⁵⁵ In this instance the courts judged that the privilege did not exist, but did note that ‘it is for the courts to judge of the existence in either House of Parliament of a privilege, but, given an undoubted privilege, it is for the House to judge of the occasion and of the manner of its exercise’: *R v Richards; Ex Parte Fitzpatrick & Browne* (1955) 92 CLR 157 at [7] per Dixon CJ for the Court.

⁵⁶ *Constitution of Queensland 2001* (Qld) s.9, *Parliament of Queensland Act 2001* (Qld) s.9.

⁵⁷ Which it did with the *Parliamentary Privileges Act 1987* (Cth).

⁵⁸ *Palmer v Western Australia* (2021) 272 CLR 505.

⁵⁹ Allan Myers AC, KC, ‘Two Recent Constitutional Cases’, *The Thirteenth Sir Harry Gibbs Memorial Oration*, (Melbourne, 33rd Conference of The Samuel Griffith Society, 26 August 2023).

⁶⁰ Both by virtue of s 69 of the *Crime and Corruption Act 2001* (Qld) and s 50 of the *Parliament of Queensland Act 2001* (Qld).

of mutual respect'.⁶¹ The Committee allowed the curial consideration of the matter to take its course, not because it was obliged to, but because that is respecting the province of the courts. However, the parliament in allowing the court to do its work on the matter before taking any action regarding the report in the Committee or in the House, has in respecting the judiciary allowed them to not follow suit and go so far as to suggest what the work of a parliamentary committee is.⁶² This would seem to stretch the ethic of mutual respect, which is crucial for the proper maintenance of the rule of law.

Awesome Power

The High Court has an 'awesome power' and in practice its power '...is bounded only by [its] own prudence in discerning the limits of the Court's constitutional function'.⁶³ This article has attempted to demonstrate that the High Court has, through the exercise of its power, cast doubt on the absolute protection afforded by Article IX of the *Bill of Rights 1688*. Article IX is a 'fundamental aspect of the democratic process because it ensures that the processes and debates of parliament remain in the control of the community's elected representatives'.⁶⁴ It can only be hoped that, if the case arises, the High Court can cast off its timorous outlook and uphold the ethic of mutual respect and the *lex et consuetudo parliamenti* in future decisions.

POSTSCRIPT: THE CARNIVAL OF REFORM

The ramifications of the decision in *Carne* were abrupt and seismic.⁶⁵ The CCC Commissioner immediately clamoured for legislative change.⁶⁶ The Commissioner

⁶¹ For further discussion of this notion, see The Hon Wayne Martin AC, 'Parliament and the Courts: A Contemporary Assessment of the Ethic of Mutual Respect'. *Australasian Parliamentary Review* 30(2) 2015, pp. 80-98.

⁶² See *Crime and Corruption Commission v Carne* [2023] HCA 28 at [36].

⁶³ *Trop v Dulles* (1958) 356 US 86 at 128 per Frankfurter J.

⁶⁴ *Barilaro v Shanks-Markovina* (No 2) [2021] FCA 950 at [80] per Rares J.

⁶⁵ Cloe Read and Matt Dennien, 'Former deputy premier wins bid to gag CCC report'. *Brisbane Times*, 3 October 2023.

⁶⁶ Bruce Barbour, 'Statement from CCC Chairperson following High Court of Australia decision' (Media Release, Crime and Corruption Commission Queensland, 13 September 2023).

estimated that 32 corruption investigation reports and 256 media releases related to corruption investigations over the past 26 years would have fallen foul of the decision in the case.⁶⁷ The Shadow Attorney-General introduced a Private Members Bill into the Queensland Parliament to, inter alia, ‘remedy a “deficiency in the reporting powers” of the CC Act as found by the High Court ... to explicitly allow the [CCC] to table and publish reports on its corruption investigations’.⁶⁸

Since the introduction of the Bill, the Queensland Government announced on 15 February 2024 that it had commissioned an independent review by the former Chief Justice of Queensland into the reporting powers of the CCC. That review was published on 20 May 2024, and made 16 recommendations for legislative change to the CC Act to allow reports, the first group of which ‘concerns the circumstances in which, and subject matter on which, the Commission should be able to report for publication’.⁶⁹ The Queensland Government has accepted all of the recommendations.⁷⁰ Interestingly, one of the recommendations was to cut out the PCCC from the tabling procedure, as

*[c]ontinuation of the previous convoluted arrangement, by which the Commission would ask the Parliamentary Crime and Corruption Committee to direct it ... to provide a report to the Speaker, is undesirable.*⁷¹

The former Chief Justice noted in her report that ‘there is very little scholarship responding directly to the High Court’s decision in *CCC v Carne*, and in particular the point regarding the desirability of public reporting on individual investigations (as

⁶⁷ Letter from Crime and Corruption Commission to Parliamentary Crime and Corruption Committee, 26 August 2022; Letter from Crime and Corruption Commission to Parliamentary Crime and Corruption Committee, 20 October 2022. Accessible at https://documents.parliament.qld.gov.au/com/PCCC-8AD2/C-A72F/221020%20-%20IN%20-%20Crime%20and%20Corruption%20Commission%20-%20Data%20on%20investigations%20reports_media%20releases%20in%20relation%20to%20CCC%20investigations.pdf

⁶⁸ Crime and Corruption Amendment Bill 2023 (Qld).

⁶⁹ Catherine Holmes AC SC, *Report of the Independent Review into the Crime and Corruption Commission’s reporting on the performance of its corruption functions*, p. 2.

⁷⁰ Yvette D’Ath, ‘Government accepts anti-corruption reporting powers review recommendations’ (Media Release, 29 May 2024).

⁷¹ Catherine Holmes AC SC, *The Independent Crime and Corruption Commission Reporting Review*, p. 3.

opposed to the parliamentary privilege point).⁷² While this article builds upon the little scholarship there is, it does so on the parliamentary privilege point, which, for those concerned with the study and working of parliaments, is titanic.

⁷² Catherine Holmes AC SC, *The Independent Crime and Corruption Commission Reporting Review*, p. 32.