

PARLIAMENTARY PRIVILEGE

By Edith Campbell, Federation Press, Sydney, 2003, pp. 256 + xv
ISBN 1 86287 478 6

Reviewer: Helen Pringle*

Enid Campbell is recognized as the leading authority on parliamentary privilege in Australia. Since the publication of *Parliamentary Privilege* in Australia in 1966, she has written various articles and papers in the area, and this book draws on that work. As Campbell notes, *Parliamentary Privilege* is not simply a revised edition of her 1966 book, but a new work that focuses in particular on more recent issues related to privilege, as well as measures such as the *Commonwealth Parliamentary Privileges Act* of 1987, and legislation in the Northern Territory and Queensland. Campbell's work demonstrates that privilege is far from being an arcane area for legal specialists; her work brings together political and legal insight and materials in a way that is a model for rigorous analysis.

Campbell argues that the central privilege of parliament is freedom of speech and debate, as upheld in Article 9 of the 1689 Bill of Rights. She carefully examines the meaning of this freedom, and its limits, using a wide variety of cases and legislation. There is useful discussion, inter alia, of the Franca Arena affair in the NSW parliament, the Heffernan/Kirby allegations, and the case of Queensland academic Dr Warren de Maria. Campbell emphasises the complexity of freedom of speech, and of the often contradictory principles that need to be reconciled in upholding it in parliament. Her sober and measured analysis of freedom of speech stands out as exemplary in the context of the clichés which otherwise stand in place of a debate on freedom of speech in Australia.

The other striking part of this book is Campbell's exploration of the punitive powers of parliament, in regard to MPs as well as other citizens. The powers of houses of parliament to impose criminal penalties and to discipline their members are both controversial and under-explored. Again, Campbell's analysis here usefully brings together command of both legal and political materials. While the focus of the work is on Australian parliaments, Campbell brings to bear on her analysis comparative cases, especially from England. The exploration of penal powers ties nicely back to questions about freedom of speech, given that so many of the controversies at issue involve speech or expression. The question of parliamentary penal powers forms a useful case study, moreover, of the relations between parliament and the judiciary.

At a time when the study of Australian politics in universities has turned away from a focus on institutions to more sociological examinations of issues and movements, Campbell's work is an example of how fascinating the study of parliament can be when done with rigour and comprehensiveness. ▲

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