



New South Wales

Parliamentary Precincts Act 1997 No 66

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New South Wales

Parliamentary Precincts Act 1997 No 66

Act No 66, 1997

An Act to define the Parliamentary precincts and to provide for the control, management and security of those precincts and adjoining areas; to amend the *Royal Botanic Gardens and Domain Trust Act 1980* consequentially; and for other purposes. [Assented to 10 July 1997]

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Parliamentary Precincts Act 1997*.

2 Commencement

This Act commences on the date of assent.

3 Definitions

In this Act:

authorised officer—see section 5.

Clerk means the Clerk of a House, and includes an officer of a House acting as the Clerk of the House.

Corporation means the Corporation of the Presiding Officers of the Parliament of New South Wales established by this Act.

exercise a function includes perform a duty.

function includes a power, authority or duty.

House means a House of Parliament.

order means a standing or other order, and includes a rule or resolution.

Parliamentary officer means an officer of either House, or of a Presiding Officer, or of the Presiding Officers jointly.

Parliamentary precincts—see section 6.

Parliamentary zone—see section 14.

Presiding Officer—see section 4.

property means land, a building or a part of a building.

the State includes the Crown, the Government, a Minister of the Crown or a statutory body representing the Crown.

4 Presiding Officers

- (1) In this Act, *Presiding Officer* means the President of the Legislative Council or the Speaker of the Legislative Assembly.
- (2) A reference in this Act to a Presiding Officer includes a person for the time being exercising the functions vested in a Presiding Officer apart from this Act.
- (3) A reference in this Act to the Presiding Officers is a reference to those Officers acting jointly.
- (4) However, functions conferred on the Presiding Officers by this Act may be exercised by either of them in accordance with arrangements entered into between them or in accordance with usage.
- (5) No person is concerned to inquire whether any function referred to in subsection (4) has been exercised by both of the Presiding Officers or, if exercised by one of them, whether it was exercised in circumstances contemplated by any such arrangement or by usage.

5 Authorised officers

- (1) A reference in this Act to an authorised officer is a reference to:
 - (a) a Presiding Officer, or
 - (b) a Parliamentary officer for the time being authorised by a Presiding Officer, or
 - (c) a police officer:
 - (i) acting in conformity with a memorandum of understanding referred to in section 27, or
 - (ii) acting in conformity with a specific authorisation given by a Presiding Officer.
- (2) An authorisation under subsection (1) (b) may be given unconditionally or subject to conditions. Conditions may include conditions limiting the functions that may be exercised pursuant to the authorisation, regulating the manner in which the functions may be exercised, and restricting the periods during which or the circumstances in which the functions may be exercised.

- (3) An authorisation under subsection (1) (b) may be amended or revoked by either Presiding Officer, and continues in force even though the person who gave it ceases to hold a relevant office.

Part 2 Parliamentary precincts

6 Parliamentary precincts

The Parliamentary precincts consist of the land described in Schedule 1, together with all buildings, structures and works, and parts of buildings, structures and works, on, above or under that land.

7 Control and management of Parliamentary precincts

- (1) Subject to this Act:
 - (a) the Parliamentary precincts are under the control and management of the Presiding Officers, and
 - (b) the Presiding Officers may take any action they consider necessary for the control and management of the Parliamentary precincts.
- (2) Subsection (1) does not affect:
 - (a) the powers of each House to control and manage its own affairs and proceedings, and
 - (b) the orders of each House in relation to its own affairs and proceedings, and
 - (c) the powers of each House in relation to the control and management of so much of the Parliamentary precincts as constitute the chamber of the House concerned or as are used exclusively or principally for the purposes of the House.

8 Vesting of Parliamentary precincts in Corporation

- (1) The Parliamentary precincts are vested in the Corporation for an estate in fee simple, freed and discharged from any trusts, obligations, estates, interests, charges and rates existing immediately before the commencement of this Act.
- (2) Nothing in this section affects any easement in existence immediately before the commencement of this Act, and in particular nothing in this section affects any easement or other matter referred to in section 12B of the *Government Railways Act 1912* as inserted by the *Government Railways (Amendment) Act 1965*.

- (3) Neither the whole nor any part of the Parliamentary precincts can be compulsorily acquired except by an Act of Parliament.
- (4) Subject to sections 9, 10 and 11, the Corporation cannot sell, mortgage, demise or otherwise dispose of any part of the Parliamentary precincts.

9 Leases and licences

- (1) The Corporation may grant leases and licences in respect of any part of the Parliamentary precincts to be used for commercial or other purposes.
- (2) Leases and licences are to be on such terms and conditions, and subject to payment of such consideration, as the Corporation thinks fit.
- (3) Except as prescribed by the regulations, no lease granted by the Corporation may have a term that, together with the term of any further lease that may be granted pursuant to an option contained in the lease, exceeds 8 years.
- (4) This section has effect despite any other law relating to leases and licences.

10 Easements

The Corporation may grant easements through, upon or in the Parliamentary precincts (including easements without a dominant tenement referred to in section 88A of the *Conveyancing Act 1919*).

11 Licences for particular matters

- (1) Without limiting section 9, the Corporation may grant licences authorising entry on the Parliamentary precincts for the purpose of the installation, maintenance, re-laying, repair or replacement of any buildings, pipelines, cables or apparatus.
- (2) The Corporation may be granted licences authorising entry on land adjoining or in the vicinity of the Parliamentary precincts for the purpose of the installation, maintenance, re-laying, repair or replacement of any buildings, pipelines, cables or apparatus used in connection with the Parliamentary precincts.

12 Premises treated as included in Parliamentary precincts

- (1) This section applies to property that is owned or held under lease by the State and is not within the Parliamentary precincts defined by section 6.
- (2) If both Houses pass resolutions during the same session of Parliament declaring:
 - (a) that specified property is required for the purposes of Parliament, and
 - (b) that the property is to be treated as part of the Parliamentary precincts,the property is accordingly to be treated as part of the Parliamentary precincts for the purposes of this Act.
- (3) Sections 8, 9, 10 and 11 do not apply to any such property.
- (4) A declaration continues in force until revoked by either House. Subsection (2) ceases to apply to any such property if the relevant declaration is revoked.

13 Constitution of Corporation

- (1) There is established by this Act a corporation with the corporate name of the Corporation of the Presiding Officers of the Parliament of New South Wales.
- (2) The affairs of the Corporation are to be managed and controlled by the Presiding Officers. Any act, matter or thing done in the name of, or on behalf of, the Corporation by the Presiding Officers is taken to have been done by the Corporation.
- (3) Without limiting subsection (2), the Presiding Officers have and may exercise all functions of the Corporation as owner of the Parliamentary precincts.
- (4) The Corporation is a statutory body representing the Crown.

Part 3 Parliamentary zone

14 Parliamentary zone

The Parliamentary zone consists of the land described in Schedule 2, together with all buildings, structures and works, and parts of buildings, structures and works, on, above or under that land.

15 Arrangements for security of Parliamentary zone

- (1) The Presiding Officers may make general or particular arrangements with the Commissioner of Police for police officers to take measures:
 - (a) to preserve security within the Parliamentary zone, and
 - (b) to restrict public access to any part of the Parliamentary zone on ceremonial occasions connected with Parliament or in the event of an actual, threatened or anticipated disturbance, whether or not directed at Parliament or any members of Parliament.
- (2) The Presiding Officers may make general or particular arrangements with the chief executive officers of the State Library of New South Wales, Sydney Hospital and any other organisation responsible for any part of the Parliamentary zone to assist police officers in carrying out any arrangements referred to in subsection (1).

16 Notification of arrangements

- (1) The Presiding Officers are required to ensure that, as far as practicable, the chief executive officers referred to in section 15 (2) are informed of measures to be taken under section 15 (1) in connection with the respective parts of the Parliamentary zone for which their organisations are responsible.
- (2) In particular, the relevant chief executive officer is to be informed under this section in advance of particular measures about to be taken in the event of an actual, threatened or anticipated disturbance or, if that is not practicable, as soon as practicable after the start of the particular measures.

17 Premises treated as included in Parliamentary zone

- (1) This section applies to property that adjoins or is in the vicinity of the Parliamentary precincts.
- (2) If both Houses pass resolutions during the same session of Parliament declaring that specified property is to be treated as part of the Parliamentary zone, the property is accordingly to be treated as part of the Parliamentary zone for the purposes of this Act.
- (3) A declaration continues in force until revoked by either House. Subsection (2) ceases to apply to any such property if the relevant declaration is revoked.

Part 4 Directions and removal of persons

Division 1 Parliamentary precincts

18 Directions

- (1) An authorised officer may direct a person to leave or not enter the Parliamentary precincts.
- (2) An authorised officer may direct another authorised officer to remove a person from the Parliamentary precincts or to prevent a person from entering the Parliamentary precincts.
- (3) A direction may be given under subsection (2) instead of or in addition to a direction under subsection (1).

19 Compliance with directions

- (1) This section applies to a direction given by an authorised officer under section 18 (1) or under any other authority to leave or not enter the Parliamentary precincts.
- (2) If a person is lawfully directed to leave or not enter the Parliamentary precincts, the person must not:
 - (a) refuse or fail to leave the Parliamentary precincts, or
 - (b) enter or attempt to enter, or re-enter or attempt to re-enter, the Parliamentary precincts at any time during which the direction is in force.

Maximum penalty: 10 penalty units.

- (3) If a person enters or is found on the Parliamentary precincts in contravention of such a direction, the person must, if required to do so by an authorised officer, give the person's name and address to the authorised officer. A person is not obliged to comply with such a requirement unless the authorised officer informs the person that failure to comply with the requirement is an offence.

- (4) A person must not:
- (a) contrary to a requirement made by an authorised officer under subsection (3), fail to give the authorised officer the person's name or address, or
 - (b) in purported compliance with such a requirement, give the authorised officer a name or address that is false or misleading.

Maximum penalty: 10 penalty units.

- (5) An authorised officer may arrest a person who:
- (a) contrary to subsection (2), refuses or fails to leave the Parliamentary precincts, or
 - (b) contrary to subsection (2), enters or attempts to enter, or re-enters or attempts to re-enter, the Parliamentary precincts, or
 - (c) contrary to a requirement made by an authorised officer under subsection (3), fails to give the authorised officer the person's name or address, or
 - (d) in purported compliance with such a requirement, gives the authorised officer a name or address that the officer suspects on reasonable grounds to be false or misleading.
- (6) An arrested person is to be dealt with according to law, and (without affecting the generality of the foregoing) may be delivered into the custody of a police officer to be dealt with according to law.

20 Removal of persons

- (1) An authorised officer may remove a person from the Parliamentary precincts or prevent a person from entering the Parliamentary precincts.
- (2) Subsection (1) applies whether or not the authorised officer was directed to do so by another authorised officer.
- (3) An authorised officer may use such force as is reasonably necessary in the exercise of powers under this section.

- (4) This section does not affect any powers that the Presiding Officers have in connection with the control and management of the Parliamentary precincts or that the Corporation has as owner of the Parliamentary precincts.

Division 2 Parliamentary zone

21 Directions

In the course of taking measures under arrangements referred to in section 15, a police officer may direct a person to leave or not enter the Parliamentary zone.

22 Compliance with directions

- (1) This section applies to a direction given by a police officer under section 21 to leave or not enter the Parliamentary zone.
- (2) If a person is lawfully directed to leave or not enter the Parliamentary zone, the person must not:
- (a) refuse or fail to leave the Parliamentary zone, or
 - (b) enter or attempt to enter, or re-enter or attempt to re-enter, the Parliamentary zone at any time during which the direction is in force.

Maximum penalty: 10 penalty units.

23 Removal of persons

- (1) In the course of taking measures under arrangements referred to in section 15, a police officer may remove a person from the Parliamentary zone or prevent a person from entering the Parliamentary zone.
- (2) A police officer may use such force as is reasonably necessary in the exercise of powers under this section.

Division 3 General

24 Provisions relating to directions

- (1) A reference in this Part to a direction extends to an instruction (however described) lawfully given, and:
- (a) whether it is communicated to an affected person by the authorised officer or police officer who issued the direction or is communicated by another person, and

- (b) whether it is communicated to an affected person personally or is communicated generally by way of notice or otherwise, and
 - (c) whether or not either or both of the Houses are sitting at the time it is given or sought to be enforced or complied with.
- (2) It is not necessary to establish that such a direction was actually communicated to a person so long as steps reasonable in the circumstances were taken for it to be communicated generally.

25 Members

- (1) This Part does not authorise:
- (a) the giving of a direction to a member of either House to leave or not enter the Parliamentary precincts or the Parliamentary zone, or
 - (b) the giving of a direction that a member of either House be removed from, or prevented from entering, the Parliamentary precincts or the Parliamentary zone, or
 - (c) the removal of a member of either House from the Parliamentary precincts or the Parliamentary zone, or
 - (d) the preventing of a member of either House from entering the Parliamentary precincts or the Parliamentary zone.
- (2) Nothing in this Part affects any power under which members of either House can be removed from, or prevented from entering, a Parliamentary chamber or the Parliamentary precincts, or any power to give directions for any such purpose, apart from this Act.

Part 5 Miscellaneous

26 Saving of powers, privileges and immunities

- (1) Nothing in this Act derogates from the powers, privileges and immunities of
 - (a) Parliament, and
 - (b) each House, and
 - (c) the members and committees of each House, and
 - (d) the joint committees of Parliament, and
 - (e) the Presiding Officers and each of them and their employees, agents or delegates,under any other law.
- (2) However, the Presiding Officers do not have (in connection with the control and management of the Parliamentary precincts under this Act) and the Corporation does not have (in its capacity as owner of the Parliamentary precincts under this Act) power:
 - (a) to give a direction to a member of either House to leave or not enter the Parliamentary precincts, or
 - (b) to give a direction that a member of either House be removed from, or prevented from entering, the Parliamentary precincts, or
 - (c) to remove a member of either House from the Parliamentary precincts, or
 - (d) to prevent a member of either House from entering the Parliamentary precincts.
- (3) Nothing in this Act affects the extent (if any) to which a function of police officers (other than a function under this Act) is exercisable in relation to the Parliamentary precincts or the Parliamentary zone. It is intended that such functions will be the subject of a memorandum of understanding referred to in section 27.

27 Memorandum of understanding with police

- (1) The Presiding Officers may enter into a memorandum of understanding with the Commissioner of Police regarding the exercise by police officers of functions (under this Act or otherwise) in the parliamentary precincts or the Parliamentary zone or both.

- (2) The memorandum of understanding may be amended, revoked or replaced from time to time.
- (3) Police functions must as far as practicable be exercised in conformity with the memorandum of understanding. However, a failure to comply with this subsection does not itself invalidate anything done or omitted to be done by a police officer.

28 Protection from liability

No person is liable in criminal or civil proceedings for anything done or omitted, or purported to be done or omitted, in good faith, in pursuance of this Act.

29 Proceedings for offences

Proceedings for an offence against this Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

30 Divesting of land from Royal Botanic Gardens and Domain Trust

So much of the land comprised in Lot 30 in Deposited Plan 39586 as is not comprised in Lot 1824 in Deposited Plan 841390 is divested from the Royal Botanic Gardens and Domain Trust.

31 Amendment of Royal Botanic Gardens and Domain Trust Act 1980 No 19

The *Royal Botanic Gardens and Domain Trust Act 1980* is amended as set out in Schedule 3.

32 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

33 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report of the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Schedule 1 Parliamentary precincts

(Section 6)

The land comprised in Lot 1823 in Deposited Plan 841390.

Schedule 2 Parliamentary zone

(Section 14)

The land indicated in Deposited Plan 841390 as being within the Parliamentary zone.

Schedule 3 Amendment of Royal Botanic Gardens and Domain Trust Act 1980

(Section 31)

[1] Schedule 2 Land vested in the Trust

Omit “30,” from Part 2.

[2] Schedule 2, Part 2

Omit “and Lot”. Insert instead “, Lot”.

[3] Schedule 2, Part 2

Insert “and Lot 1824 in Deposited Plan 841390,” after “854472,”.

[Minister’s second reading speech made in—
Legislative Assembly on 17 April 1997
Legislative Council on 26 June 1997]