

[Act 1997 No 66]



New South Wales

Parliamentary Precincts Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to define the Parliamentary precincts and to provide for the control, management and security of the Parliamentary precincts and certain adjoining areas (the Parliamentary zone).

The Bill defines an area called the “Parliamentary precincts” by reference to a lot in a deposited plan. The land included in the Parliamentary precincts consists of the land bounded by and including:

- the front fence fronting Macquarie Street
 - the dividing wall between the Parliamentary buildings and Sydney Hospital
 - the Hospital Road kerb, including the strip of land presently vested in the Royal Botanic Gardens and Domain Trust
 - the surface area of the Domain Terrace, and the sub-stratum section of the Parliamentary buildings erected under it, from Hospital Road to a vertical prolongation of the western face of the wall of the buildings
 - the walls separating the Parliamentary buildings and precincts from the Domain Terrace and State Library buildings.
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The Bill provides that the Parliamentary precincts are under the control and management of the Presiding Officers, and vests title to the Parliamentary precincts in a corporation called the Corporation of the Presiding Officers of the Parliament of New South Wales, which is to be managed by the Presiding Officers.

The Bill also defines an area called the “Parliamentary zone” by reference to a deposited plan. The land included in the Parliamentary zone consists of land to the north and south of the Parliamentary precincts. The Bill provides for arrangements to be made in connection with the Parliamentary zone for security purposes.

The Bill also deals with the powers of the Presiding Officers and police officers to exclude persons from the Parliamentary precincts and the Parliamentary zone, and provides for a memorandum of understanding to be entered into by the Presiding Officers and the Commissioner of Police regarding the exercise of police functions in the Parliamentary precincts and Parliamentary zone.

It is not intended by the Bill to affect or extend existing powers to exclude Members of either House from any part of the Parliamentary precincts.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent by the Governor.

Clause 3 contains definitions used in the proposed Act.

Clause 4 defines the term “Presiding Officer”, and provides that the expression covers persons acting for a Presiding Officer. It also provides for the Presiding Officers to act jointly and individually.

Clause 5 defines who are “authorised officers” for the purposes of the proposed Act. The expression is used in several clauses, including that dealing with the enforcement of directions.

Part 2 Parliamentary precincts

Clause 6 defines the Parliamentary precincts by reference to a lot in a Deposited Plan specified in Schedule 1.

Clause 7 vests the control and management of the Parliamentary precincts in the Presiding Officers jointly, subject to the powers of each House to control and manage its own affairs and proceedings.

Clause 8 vests title to the Parliamentary precincts in a corporation created by the proposed Act called the “Corporation of the Presiding Officers of the Parliament of New South Wales”. The land is vested free from estates and interests, but existing easements are preserved. The clause provides that no part of the Parliamentary precincts can be compulsorily acquired without an Act of Parliament, and the Corporation cannot sell or dispose of any part of the Parliamentary precincts.

Clauses 9 and 10 enable the Corporation to grant leases, licences and easements (including a special class of easements under the *Conveyancing Act 1919*, called easements in gross).

Clause 11 enables the Corporation to grant and be granted licences dealing with particular matters, including access to underground pipes and cables.

Clause 12 enables other land used for Parliamentary purposes to be treated as if it were part of the Parliamentary precincts, if both Houses so resolve.

Clause 13 establishes the Corporation of the Presiding Officers of the Parliament of New South Wales.

Part 3 Parliamentary zone

Clause 14 defines the Parliamentary zone by reference to a Deposited Plan specified in Schedule 2.

Clause 15 authorises the Presiding Officers to enter into arrangements with the police for preserving security in the Parliamentary zone, and for restricting public access on ceremonial occasions or in the event of disturbances (whether or not directed at Parliament or any members of Parliament).

Clause 16 requires notice to be given to the chief executive officers of the State Library and Sydney Hospital of security measures being taken in the Parliamentary zone.

Clause 17 enables other premises in the vicinity of the Parliamentary precincts to be treated as if they were part of the Parliamentary zone.

Part 4 Directions and removal of persons

Clause 18 gives power for directions to be given directing persons to leave or not enter the Parliamentary precincts or directing that persons be removed from the Parliamentary precincts or prevented from entering the Parliamentary precincts.

Clause 19 makes it an offence for a person to disobey a lawful direction to leave or not enter the Parliamentary precincts, and requires a person who disobeys such a direction to state his or her name and address. A power of arrest is conferred in relation to a person who refuses or fails to leave or who refuses to state his or her name and address.

Clause 20 empowers authorised officers to remove persons from the Parliamentary precincts or to prevent their entry to the Parliamentary precincts.

Clause 21 gives power for police officers, in the course of taking measures under proposed section 15, to direct persons to leave or not enter the Parliamentary zone.

Clause 22 makes it an offence for a person to disobey such a direction to leave or not enter the Parliamentary zone.

Clause 23 empowers police officers, in the course of taking measures under proposed section 15, to remove persons from the Parliamentary zone or to prevent their entry to the Parliamentary zone.

Clause 24 makes it clear that powers can be exercised under the Part in relation to directions however described or given, and whether or not Parliament is in session.

Clause 25 provides that the Part does not apply to members of either House.

Part 5 Miscellaneous

Clause 26 provides for the saving of existing Parliamentary powers, privileges and immunities. It also provides that the proposed Act does not affect the existing extent to which police powers can or cannot be exercised in the Parliamentary precincts.

Clause 27 enables the Presiding Officers to enter into a memorandum of understanding with the Commissioner of Police concerning exercise of police functions in the Parliamentary precincts or the Parliamentary zone.

Clause 28 protects persons from civil and criminal liability when exercising functions under the proposed Act in good faith.

Clause 29 provides for offences to be dealt with summarily in a Local Court.

Clause 30 specifically divests a strip of land from the Royal Botanic Gardens and Domain Trust. This strip is in the Parliamentary precincts as vested in the Corporation.

Clause 31 is a formal provision giving effect to the Schedule of amendments to the *Royal Botanic Gardens and Domain Trust Act 1980*, for the purpose of adjusting the description of the Domain in light of the divesting of the strip of land referred to in clause 30.

Clause 32 is a regulation-making power.

Clause 33 requires the proposed Act to be reviewed 5 years after it is assented to.

Schedule 1 contains a description of the Parliamentary precincts.

Schedule 2 contains a description of the Parliamentary zone.

Schedule 3 contains the amendments to the *Royal Botanic Gardens and Domain Trust Act 1980* referred to above.