

1988

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

PARLIAMENTARY PRECINCTS BILL 1988

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Administrative Services, the Hon Stewart West MP. The Explanatory Memorandum incorporates an amendment passed in the House of Representatives).

PARLIAMENTARY PRECINCTS BILL 1988

OUTLINE AND FINANCIAL IMPACT STATEMENT

Outline

In November 1985 the Joint Standing Committee (JSC) on the New Parliament House presented a Report relating to the precincts of the New Parliament House and the Parliamentary Zone.

The Parliamentary Precincts Bill 1988 reflects the Government's acceptance of the substance of the major recommendations of the JSC Report and the outcome of discussions between the Government and the Presiding Officers over the form of legislation concerning the precincts.

The major purpose of this Bill is to :-

- . define the Parliamentary precincts; and
- . confer management and control over the Precincts on the Presiding Officers.

Financial Impact Statement

There are no major additional costs which will result from the provisions of this Bill.

1. **Clause 1 • Short Title**
2. **Clause 2 : Commencement**

The provisions of the Bill relating to the grant of leases and licences in the precincts by the Presiding Officers come into effect on Royal Assent. The remaining provisions are to come into operation in accordance with a Proclamation made by the Governor-General. This clause is intended to facilitate the urgent need for the Presiding Officers to make suitable arrangements for commercial operations within the precincts and the Government's arrangements for the handing over of the New Parliament House.

3. **Clause 3 : Interpretation**

This clause provides for the definitions necessary for the Bill. Other definitions in respect of the definition of the precincts appear in Sub-clause 4(3).

4. **Clause 4 : Parliamentary Precincts**

This clause defines the precincts by reference to an arc forming a complete circle commencing and concluding at the outer edge of the top of the retaining wall. Where there is no wall, the boundary of the precincts will be shown by a concrete strip on the land mass or 'cats eyes' and other identifying markers on the bridges and their walls.

The definition of the precincts in clause 4 varies slightly from that recommended by the JSC. The JSC recommended:

"The area bounded by and including the base of the retaining walls around the site contained within the inner kerb of Capital Circle together with

that area of the upper surface of the Land Bridge between Capital Hill and the junctions of the 2 bridges across State Circle with the upper levels of the northern cutting of State Circle."

The variation from the JSC's recommendation stems from policing considerations and a desire to create a definition which is administratively uncomplicated.

5. Clause 5: : Premises Included in the Parliament Precincts

This clause provides for the Presiding Officers to certify in writing that certain property is required for Parliamentary purposes. In those circumstances acting with the advice of the Executive Council, the Governor-General may make regulations declaring that such property shall be treated as part of the precincts for the purposes of the legislation. The power of the Presiding Officers to grant leases and licences in respect of the precincts does not extend to property under this clause (see sub-clause 7(4)).

This clause acknowledges that there may be a need, from time to time, to deem buildings outside the New Parliament House to be within the precincts when they are being used for Parliamentary purposes.

6. Clause 6 : Control and Management

This clause provides that the precincts are under the management and control of the Presiding Officers.

Sub-clause 6(2) provides that the Presiding Officers may take any action that they consider necessary for the control of the precincts, subject to any order of either House.

Sub-clause 6(3) provides that the powers and functions of the Presiding Officers with respect to the Ministerial Wing are subject to any limitations and conditions agreed between the Presiding Officers and the responsible Minister.

7. Clause 7 - Leases and Licences

This clause provides for the Presiding Officers, on behalf of the Commonwealth, to grant leases and licences for commercial operations within the precincts. This power will not extend to buildings declared to be within the precincts by virtue of regulations made under clause 5 of the Bill.

8. Clause 8 - Australian Federal Police

This clause provides for arrangements to be agreed between the Minister administering the Australian Federal Police Act 1979 and the Presiding Officers in situations where officers of the AFP are required under an order of either House relating to the powers, privileges and immunities of that House to arrest or take a person into custody.

9. Clause 9 - Australian Protective Service

This clause provides for arrangements to be agreed between the Minister administering the Australian Protective Service Act 1987 and the Presiding Officers on the functions to be performed by Australian Protective Service Officers within the precincts.

10. Clause 10 - Prosecutions

This clause allows for arrangements to be made between the Presiding Officers and the Director of Public Prosecutions concerning the latter's functions in relation to criminal offences committed within the precincts.

11. **Clause 11 : Public Order Legislation**

This clause ensures that the additional offences provided for in section 12 of the Public Order (Protection of Persons and Property) Act 1971 apply within the precincts.

12. **Clause 12 : Savings**

This clause ensures that there is no derogation from the powers, privileges and immunities of the Parliament as a result of this legislation.

13. **Clause 13 : Regulations**

This clause provides that the Governor-General may make regulations for the purposes of clause 5.

14. **Clause 14 : Amendments of Other Acts**

This clause provides that the Acts in Schedule 2 of the Bill are amended as follows:

. the Parliament Act 1974 to:-

extend the Parliamentary Zone in accordance with the recommendations of the Joint Standing Committee; and

require the Speaker of the House of Representatives and the President of the Senate to lay before both Houses of the Parliament any proposal for the erection of a building or a work in the Parliamentary Precincts (as defined in clause 4);

- . the Parliament House Construction Authority Act 1979 to remove the requirement for the Authority to consent to the granting of leases or licences within the precincts; and
- . the Parliamentary Privileges Act 1987 to adapt s. 15 of that Act to reflect the declaration of the precincts under the Bill. Section 15 currently declares, for the avoidance of doubt, that, subject to Section 49 of the Constitution and the Privileges Act, a law in force in the Australian Capital Territory applies according to its tenor in and in relation to any building in the Territory in which a House meets, except as otherwise provided by that law or any other law.

Schedule 1 : Parliamentary Precincts

Schedule 2 : Amendments of Other Acts

Schedule 3 : Schedule to be inserted in the Parliament Act 1974.