

APPENDIX 26: LEGISLATIVE ASSEMBLY PRECINCTS ACT 2001

Australian Capital Territory

Legislative Assembly Precincts Act 2001**A2001-85****Republication No 6****Effective: 18 May 2006***Republication date: 18 May 2006**Last amendment made by A2006-20***About this republication****The republished law**

This is a republication of the *Error! Reference source not found.* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 18 May 2006. It also includes any amendment, repeal or expiry affecting the republished law to 18 May 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Legislative Assembly Precincts Act 2001

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Australian Capital Territory

Legislative Assembly Precincts Act 2001

An Act about the precincts of the Legislative Assembly

1 Name of Act

This Act is the *Legislative Assembly Precincts Act 2001*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

4A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

5 Assembly precincts

- (1) The Assembly precincts consist of the land described in subsection (2) and all buildings, structures and works on, above or under any of that land.
- (2) The land within the Assembly precincts is—
 - (a) block 3, section 19, division of City, Canberra Central District; and
 - (b) that part of Civic Square under the public entrance canopy; and
 - (c) that part of section 19, division of City, Canberra Central District under the members' entrance canopy.
- (3) In this section:

Assembly building means the building occupying block 3, section 19, division of City, Canberra Central District.

members' entrance canopy means the fixed canopy attached to the southern side of the Assembly building near the members' entrance.

public entrance canopy means the fixed canopy attached to the northern side of the Assembly building near the public entrance.

6 Premises included in Assembly precincts

- (1) This section applies to property that is leased to or managed by the Territory and is not within the Assembly precincts defined by section 5.

- (2) If the Speaker gives a written certificate that stated property is required for use by the Assembly, the regulations may declare that the property is to be treated as part of the Assembly precincts for this Act.

7 Control and management of Assembly precincts

- (1) The Speaker is responsible for the control and management of the Assembly precincts and may take any action the Speaker considers necessary for those purposes.
- (2) The Assembly may, by resolution, give the Speaker directions about the exercise of the Speaker's functions under subsection (1).
- (3) If the Legislative Assembly gives a direction under subsection (2), the Speaker must comply with the direction.

7A Licences

- (1) The Speaker may, on behalf of the Territory—
- (a) grant a licence to a person to use any part of the Assembly precincts; and
 - (b) exercise any rights of the Territory in relation to the licence.

Note 1 If a form is approved under s 11B for a licence, the form must be used.

Note 2 A fee may be determined under s 11A for this provision.

- (2) A licence under subsection (1) must—
- (a) be in writing; and
 - (b) identify the licensee; and
 - (c) state—
 - (i) the part of the Assembly precincts to which it applies; and
 - (ii) the use and period for which it applies.
- (3) A licence under subsection (1) is subject to any condition stated in the licence.
- (4) In this section:

Assembly precincts includes anything within the precincts.

8 Executive area

- (1) The Speaker's functions under section 7 must be exercised in relation to the Executive area in accordance with any limitations and conditions agreed in writing between the Speaker and the Chief Minister.
- (2) In this section:
- Executive area* means the area of the Assembly precincts reserved for the use of the Executive by a written agreement between the Speaker and the Chief Minister.

9 Removal of people

- (1) The Speaker may direct a person who is not a member—
- (a) to leave the Assembly precincts; or
 - (b) not to enter the Assembly precincts.
- (2) The Speaker may arrange for the removal or exclusion from the Assembly precincts of a person given a direction under subsection (1) using any necessary and reasonable force and assistance.

- (3) The Speaker, or a person acting under the Speaker's direction, does not incur civil or criminal liability for an act or omission done honestly and without negligence under this section.
- (4) A civil liability that would, apart from this section, attach to the Speaker, or a person acting under the direction of the Speaker, attaches instead to the Territory.
- (5) The Speaker may delegate the Speaker's functions under this section to—
 - (a) the sergeant-at-arms for the Assembly; or
 - (b) the principal attendant for the Assembly.

Note For the making of delegations and the exercise of delegated functions, see Legislation Act, pt 19.4.

10 Contravention of Speaker's direction

- (1) A person must not engage in conduct that contravenes a direction by the Speaker under section 9 (1).
Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
- (2) In this section:
engage in conduct means—
 - (a) do an act; or
 - (b) omit to do an act.

11 Application of Crimes Act, s 154

The *Crimes Act 1900*, section 154 (Additional offences on territory premises) applies to the Assembly precincts as if they were government premises within the meaning of that section.

11A Determination of fees

- (1) The Speaker may determine fees for this Act.
Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).
- (2) A determination is a disallowable instrument.
Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

11B Approved forms

- (1) The Speaker may approve forms for this Act.
- (2) If the Speaker approves a form for a particular purpose, the approved form must be used for that purpose.
Note For other provision about forms, see the Legislation Act, s 255.
- (3) An approved form is a notifiable instrument.
Note A notifiable instrument must be notified under the Legislation Act.

12 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Dictionary

(see s 3)

Note 1 The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

Note 2 In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- contravene
- Executive
- Legislative Assembly
- Speaker.

Assembly means the Legislative Assembly.

Assembly precincts means—

- (a) the precincts defined by section 5; and
- (b) any property to which section 6 applies.

Speaker includes the Deputy Speaker if—

- (a) the Speaker is absent from duty; or
- (b) there is a vacancy in the office of the Speaker.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Legislative Assembly Precincts Act 2001 A2001-85

notified LR 24 September 2001

s 1, s 2 commenced 24 September 2001 (LA s 75)

remainder commenced 24 March 2002 (s 2 and LA s 79)

as amended by

Statute Law Amendment Act 2002 A2002-30 pt 3.42

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.42 commenced 17 September 2002 (s 2 (1))

Legislative Assembly Precincts Amendment Act 2002 A2002-53

notified LR 20 December 2002

s 1, s 2 commenced 20 December 2002 (LA s 75 (1))

remainder commenced 21 December 2002 (s 2)

Criminal Code (Administration of Justice Offences) Amendment Act 2005 A2005-53 sch 2 pt 2.3

notified LR 26 October 2005

s 1, s 2 commenced 26 October 2005 (LA s 75 (1))
sch 2 pt 2.3 commenced 23 November 2005 (s 2)

Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.28

notified LR 27 October 2005
s 1, s 2 commenced 27 October 2005 (LA s 75 (1))
sch 1 pt 1.28 commenced 24 November 2005 (s 2)

Legislative Assembly Precincts Amendment Act 2006 A2006-20

notified LR 17 May 2006
s 1, s 2 commenced 17 May 2006 (LA s 75 (1))
remainder commenced 18 May 2006 (s 2)

4 Amendment history

Commencement

s 2 *om LA s 89 (4)*

Dictionary

s 3 *sub A2002-30 amdt 3.574*
defs reloc to dict A2002-30 amdt 3.573

Offences against Act—application of Criminal Code etc

s 4A *ins A2005-54 amdt 1.206*

Licences

s 7A *ins A2006-20 s 4*

Removal of people

s 9 *am A2002-53 s 4*

Contravention of Speaker's direction

s 10 *sub A2005-54 amdt 1.207*

Application of Crimes Act, s 154

s 11 *sub A2005-53 amdt 2.24*

Determination of fees

s 11A *ins A2006-20 s 5*

Approved forms

s 11B *ins A2006-20 s 5*

Dictionary

dict ins A2002-30 amdt 3.575
def Assembly reloc from s 3 A2002-30 amdt 3.573
def Assembly precincts reloc from s 3 A2002-30 amdt 3.573
def Speaker reloc from s 3 A2002-30 amdt 3.573

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	24 March 2002
2	A2002-30	17 September 2002
3	A2002-53	21 December 2002

4	<u>A2005-54</u>	23 November 2005
5	A2005-54	24 November 2005

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