

EXPLANATORY STATEMENT

Select Legislative Instrument 2011 No. 181

Issued by the Authority of the Special Minister of State

Parliamentary Precincts Act 1988

Parliamentary Precincts Regulations 2011

The *Parliamentary Precincts Act 1988* (the Act) defines the boundaries of the Parliamentary precincts for sittings of the Parliament and provides that the Presiding Officers (the President of the Senate and the Speaker of the House of Representatives) are responsible for control and management of the precincts.

Section 13 of the Act provides that the Governor-General may make regulations for the purposes of subsection 5(2) of the Act. Subsection 5(2) of the Act provides that if the Presiding Officers certify in writing that specified Commonwealth-owned or leased property is required for purposes of the Parliament, the regulations may declare that the property shall be treated as part of the Parliamentary precincts for the purposes of the Act. Previously, no regulations exist under the Act.

The Regulations provide for the legal framework for the control and management of the Parliamentary precincts to be applied to an alternative location in the event that Parliament House is unavailable, for example, due to an earthquake, terrorist attack or other major event.

The Regulations enable specified Commonwealth-owned or leased property to be treated as part of the Parliamentary precincts for the purposes of the Act, following the:

- certification by the Presiding Officers that the property is required for the purposes of the Parliament; and
- declaration (by way of a legislative instrument) by the relevant Minister (currently the Special Minister of State) that the Presiding Officers have so certified.

Further, the Regulations anticipate that the certificate can be amended to omit particular property from it, or be revoked when the whole of the specified property is no longer required for the purposes of the Parliament. In either case, the Regulations provide that the particular property is no longer to be treated as part of the Parliamentary precincts. Therefore, if an omitted property is required again, or a new property required, a new certificate and a new legislative instrument would be required for the specified property to be treated as part of the Parliamentary precincts.

This approach would ensure that specified Commonwealth-owned or leased property can become part of the Parliamentary precincts quite quickly following certification by the Presiding Officers, and would allow flexibility in adding or removing a property, with appropriate oversight (via the legislative instrument made by the Minister).

Details of the proposed Regulations are included in the Attachment.

The Act does not impose any conditions that need to be satisfied before the power to make the Regulations may be exercised. The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. The Regulations commence the day after they are registered on the Federal Register of Legislative Instruments.

Consultation and Regulatory Impact

Consultation was undertaken with the Presiding Officers, the Clerk of the Senate, the Clerk of the House of Representatives and the Security Management Board (*Parliamentary Service Act 1999*, s65A). The provisions do not have a direct or significant indirect impact on business and do not restrict competition.

The Office of Best Practice Regulation have confirmed that the preparation of a Regulation Impact Statement is not necessary, as the amendments have a nil or low impact on business or the economy or individuals.

Details of the proposed *Parliamentary Precincts Regulations 2011***Regulation 1 – Name of Regulations**

This regulation would provide that the title of the Regulations is the *Parliamentary Precincts Regulations 2011*.

Regulation 2 – Commencement

This regulation would provide for the Regulations to commence on the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 – Definitions

This regulation would provide that in the Regulations, the term ‘Act’ is defined as the *Parliamentary Precincts Act 1988*.

Regulation 4 – Premises included in Parliamentary precincts

This regulation would enable specified Commonwealth-owned or leased property to be treated as part of the Parliamentary precincts for the purposes of the Act, if:

- the Presiding Officers certify that the property is required for the purposes of the Parliament; and
- the Minister makes a legislative instrument declaring that the Presiding Officers have made a certificate under subsection 5(2) of the Act.

This regulation would also provide that particular property ceases to be treated as part of the Parliamentary precincts for the purposes of the Act if the Presiding Officers revoke the certificate or amend the certificate to omit the particular property from it.