



Queensland

# Parliamentary Service By-law 2023

## Subordinate Legislation 2023 No. 123

made under the

*Parliamentary Service Act 1988*

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## Part 1 Preliminary

### 1 Short title

This by-law may be cited as the *Parliamentary Service By-law 2023*.

### 2 Purpose of by-law

The purpose of this by-law is to give directions under section 50 of the Act by prescribing behaviour and conduct for persons entering or on the parliamentary precinct.

*Notes—*

- 1 Under section 50(7) of the Act, directions given under the section (including by this by-law) do not apply to members of the Legislative Assembly in the conduct of their parliamentary business.
- 2 See section 50(8) to (9) of the Act in relation to noncompliance with a direction given under the section (including by this by-law).

### 3 Definitions

The dictionary in schedule 1 defines particular words used in this by-law.

### 4 Authorisation of directions by authorised officers

- (1) An authorised officer may give a direction under this by-law that is not inconsistent with directions given by the Speaker under section 50 of the Act (including by this by-law).
- (2) The authorisation under subsection (1) is an authorisation for section 50(5) of the Act.

## **Part 2 Behaviour and conduct**

### **5 Entry pass and identification**

- (1) A person must, if directed by an authorised officer, wear an entry pass issued to the person by the authorised officer while the person is on the parliamentary precinct.
- (2) A person entering or on the parliamentary precinct must, if directed by an authorised officer—
  - (a) give the authorised officer the information, including the person's name, address and phone number, the authorised officer needs to issue an entry pass to the person; and
  - (b) produce photographic identification to the authorised officer to verify the person's identity as shown, or to be shown, on an entry pass issued to the person.
- (3) A person entering or on the parliamentary precinct must not—
  - (a) give information under subsection (2)(a) that is false; or
  - (b) give an entry pass issued to the person to another person who is not an authorised officer.
- (4) A person who is issued an entry pass must, when leaving the parliamentary precinct—
  - (a) return the entry pass to an authorised officer; or
  - (b) if returning the entry pass is not practicable—notify an authorised officer that the person is leaving the parliamentary precinct.

### **6 Using someone else's entry pass or identity card prohibited**

- (1) A person must not enter, or attempt to enter, the parliamentary precinct using—
  - (a) an entry pass issued to someone else; or
  - (b) someone else's parliamentary identity card.

(2) In this section—

*parliamentary identity card* means—

- (a) an identity card issued to an authorised officer under section 18; or
- (b) another identity card issued to a person for the purpose of, or whose purposes include, identifying the person as a person who may enter or be on the parliamentary precinct.

## **7 Scanning and searching**

(1) A person entering the parliamentary precinct must, if directed by an authorised officer, do 1 or more of the following things—

- (a) walk through a walk-through detector;
- (b) pass the person's belongings through an X-ray machine;
- (c) allow the authorised officer to pass a handheld scanner in close proximity to the person;
- (d) allow the authorised officer to pass a handheld scanner in close proximity to the person's belongings.

(2) A person entering the parliamentary precinct must, if directed by an authorised officer, do 1 or more of the following things—

- (a) allow the authorised officer to inspect the person's belongings;
- (b) remove 1 or more outer garments worn by the person as specified by the authorised officer and allow the officer to inspect the garments;
- (c) remove all articles from the person's clothing and allow the authorised officer to inspect them;
- (d) open an article for inspection and allow the authorised officer to inspect it;
- (e) allow the officer, or another authorised officer, to touch a garment the person is wearing to the extent it is

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necessary to help the officer decide if the person is concealing a restricted item.

*Note—*

See section 17 in relation to an authorised officer doing a thing mentioned in this subsection.

- (3) An authorised officer giving a direction under subsection (2)(e) must ensure, as far as reasonably practicable, the authorised officer who is to touch the person's garment is of the same sex as the person.
- (4) A person entering the parliamentary precinct must not engage in behaviour or conduct directed at avoiding a direction being given to the person under subsection (1) or (2).
- (5) In this section—

***handheld scanner*** means a device that may be passed over or around a person or a person's belongings to detect metal or other substances.

***inspect***, an article, includes handle the article, open it and examine its contents.

***walk-through detector*** means a device through which a person walks, that detects metal or other substances.

***X-ray machine*** means a device through which a person's belongings are passed and X-rayed.

## **8 Restricted items**

A person must not, without the permission of the Speaker or an authorised officer, bring a restricted item on to the parliamentary precinct, or have a restricted item in the person's possession on the parliamentary precinct.

## **9 Leaving items in custody of authorised officer**

- (1) A person entering the parliamentary precinct or a part of the parliamentary precinct must, if directed by an authorised officer, place a prescribed item in the temporary custody of

the authorised officer while the person is on the parliamentary precinct or the part of the parliamentary precinct.

*Examples of a part of the parliamentary precinct—*

galleries of the Legislative Assembly chamber, a room where a committee of the Legislative Assembly is meeting

(2) In this section—

***personal recording device*** means a mobile phone, camera or other device ordinarily intended for personal use that is capable of recording audio or capturing images.

***prescribed item*** means—

- (a) any baggage or bulky object the person is carrying; or
- (b) a badge, banner, sign or other thing that displays a political statement; or

*Example of other thing—*

item of clothing

- (c) a personal recording device; or
- (d) anything else the authorised officer considers should be left in temporary custody.

## 10 **Covering or obscuring political statements on clothing**

(1) This section applies if a person entering the parliamentary precinct—

- (a) is wearing an item of clothing that displays a political statement; and
- (b) it is not reasonably practicable for the person to place the item of clothing in the temporary custody of an authorised officer under section 9.

(2) The person must, if directed by an authorised officer, cover or obscure the political statement and not uncover or reveal the political statement at any time while the person is on the parliamentary precinct.

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## **11 Display of political statements and other matters restricted**

A person on the parliamentary precinct must not, without the permission of the Speaker or an authorised officer—

- (a) display a political statement on a banner, sign or other thing; or
- (b) attach a banner, sign or other thing displaying a political statement or other matter to a building, fence or other structure on the parliamentary precinct.

*Example of other thing—*

item of clothing

## **12 Vehicle use restricted**

- (1) A person must not, without the permission of the Speaker or an authorised officer, drive or park a vehicle on the parliamentary precinct.
- (2) A person must not drive or park a vehicle on an area of the parliamentary precinct in a way contrary to a notice that—
  - (a) is located with reasonable prominence at or near the area; and
  - (b) placed, or purportedly placed, by or under the authority of the Speaker or the Clerk.
- (3) A person driving or parking a vehicle on the parliamentary precinct must comply with any direction given to the person by an authorised officer about the movement or parking of the vehicle.

## **13 Entry to particular parts restricted**

- (1) A person must not, without the permission of the Speaker or an authorised officer, enter a restricted part of the parliamentary precinct.
- (2) In this section—



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*restricted part*, of the parliamentary precinct, means a part of the parliamentary precinct identified as a part to which entry is restricted to members of the Legislative Assembly or officers or employees of the parliamentary service by a notice placed, or purportedly placed, by or under the authority of the Speaker or the Clerk at or near the entry to the part.

#### **14 Damage to property**

A person must not vandalise or otherwise damage—

- (a) a building forming part of the parliamentary precinct; or
- (b) other property within the parliamentary precinct for which the parliamentary service has administrative responsibility.

#### **15 Person must not smoke on parliamentary precinct**

- (1) A person must not smoke on the parliamentary precinct other than in a nominated outdoor smoking place.
- (2) A person contravening subsection (1) must, if directed by an authorised officer, stop smoking.
- (3) In this section—

*nominated outdoor smoking place* means a clearly designated part of the parliamentary precinct—

- (a) where smoking is not prohibited under the *Tobacco and Other Smoking Products Act 1998*; and
- (b) established by the Speaker as an area where smoking is permitted.

*smoke* see the *Tobacco and Other Smoking Products Act 1988*.

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## **16 Other prohibited conduct or behaviour**

A person on the parliamentary precinct must not engage in behaviour or conduct that constitutes, or is likely to constitute—

- (a) intimidation or harassment of a member of the Legislative Assembly or another person on the precinct; or
- (b) a danger to a person on the precinct; or
- (c) a disruption of the proceedings of the Legislative Assembly or any of its committees.

## **Part 3 Other provisions**

### **17 Safeguards for searching persons**

- (1) An authorised officer doing a thing mentioned in section 7(2) in relation to a person who is given a direction under that section must—
  - (a) ensure, as far as reasonably practicable, minimal embarrassment is caused to the person; and
  - (b) take reasonable care to protect the dignity of the person.
- (2) Also, if an authorised officer reasonably suspects it is necessary to protect the dignity of a person who is given a direction under section 7(2) and it is reasonably practicable, the authorised officer may ask the person to allow an inspection of the person's belongings under section 7(2) to be conducted out of public view, for example, in a part of the parliamentary precinct.

### **18 Identity card**

- (1) The Clerk may issue an authorised officer with an identity card, in a form approved by the Clerk, identifying the person as an authorised officer under this by-law.

- (2) An authorised officer may act under this by-law in relation to a person only if the authorised officer has an identity card issued under subsection (1).
- (3) In acting under this by-law in relation to a person, an authorised officer must—
  - (a) produce the authorised officer’s identity card for the person’s inspection before acting; or
  - (b) have the authorised officer’s identity card displayed so it is clearly visible to the person when acting.
- (4) However, if it is not practicable to comply with subsection (3), the authorised officer must produce the identity card for the person’s inspection at the first reasonable opportunity.
- (5) If a person who is issued an identity card under this section stops being an authorised officer, the person must return the identity card to the Clerk.

## **19 Repeal**

The Parliamentary Service By-law 2013, SL No. 171 is repealed.

## Schedule 1 Dictionary

### section 3

***authorised officer*** means—

- (a) the Clerk; or
- (b) the Deputy Clerk; or
- (c) an officer or employee in the parliamentary service holding appointment in the service as—
  - (i) Director, Property Services and Facilities; or
  - (ii) Sergeant-at-Arms and Manager, Security and Attendants; or
  - (iii) Security Shift Supervisor; or
  - (iv) Parliamentary Security Officer; or
  - (v) Parliamentary Attendant.

***Clerk*** includes a person who, under section 22(1) of the Act, has authority to exercise or perform a function, power or duty of the Clerk.

***committee***, of the Legislative Assembly, means a committee within the meaning given by the *Parliament of Queensland Act 2001*, schedule.

***display***, in relation to an item of clothing, means display on the item of clothing in a conspicuous way.

***entry pass*** means an entry pass of a type approved by the Clerk.

***political statement*** means a statement or design that a reasonable person would associate with a political organisation, cause or belief.

***restricted item*** means a proscribed thing under the *Police Powers and Responsibilities Act 2000*, schedule 6.

ENDNOTES

- 1 Made by the Speaker of the Legislative Assembly on 22 August 2023.
- 2 Notified on the Queensland legislation website on 25 August 2023.
- 3 The administering agency is the Department of the Premier and Cabinet.

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