

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

THE 53RD PARLIAMENT

REVIEW OF REDUNDANT AND UNCLEAR
LEGISLATION

REPORT

CONCERNING

**REVIEW OF THE
*UNLAWFUL ASSEMBLIES AND
PROCESSIONS ACT 1958***

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CHAIR'S FOREWORD

The Redundant Legislation Subcommittee is pleased to present its Report on the *Unlawful Assemblies and Processions Act 1958*. The Subcommittee reviewed the Act pursuant to a request from the then Minister for Police and Emergency Services, the Hon. Patrick McNamara MLA, to consider the Act under the Subcommittee's reference to review redundant and unclear legislation.

The right of citizens to express their opinions by demonstration or assembly is fundamental to the operation of a vibrant democracy. The Act limits this right in a manner unacceptable to modern legislators and the public, as demonstrated by submissions to the Subcommittee on this Act. Consequently, the Subcommittee is pleased to recommend the repeal of the majority of the provisions in the Act.

However, the right to demonstrate must be balanced by a concern for the protection of those seeking to go about their daily business. This is particularly important in relation to Parliament House, the home of the Victorian Parliament, which is a popular focus for demonstrations and assemblies. During this review, it has become apparent that the people charged with protecting staff and property at Parliament House are seriously hampered in their task by unclear common law powers and uncertain property boundaries. The Subcommittee therefore fully supports the efforts of the Presiding Officers of the Parliament of Victoria to have the Parliamentary precincts clarified and their powers enumerated in a new piece of legislation, following legislation enacted in New South Wales and also at the federal level.

This Report would not have been possible without the enthusiastic participation of my fellow Members of the Subcommittee: Mr Murray Thompson MLA, the Hon. Peter Katsambanis MLC, Mr Carlo Carli MLA and Mr Robert (Bob) Cameron MLA.

I am grateful to Nadia Krivetz, Legal Officer for the Subcommittee, who carried out the research, corresponded with interested parties, and drafted the Report. Thanks are due also to the staff of the Scrutiny of Acts and Regulations Committee, especially Simon Dinsbergs, Assistant Executive Officer, and Richard Kings, Officer Manager, for their commitment and enthusiasm.

Hon. Maree Luckins, MLC
Chair
Redundant Legislation Subcommittee