

AUCKLAND DOMAIN (TEMPORARY CLOSURE FOR APEC) BILL

EXPLANATORY NOTE

General Policy Statement

The Bill provides for the temporary closure of all or any part of the Auckland Domain for a period of no more than 3 days during September 1999. This is to ensure that appropriate security measures are in place for the APEC leaders' meeting to be held on 13 September 1999. As chair of APEC for 1999, New Zealand is hosting the leaders' meeting this year. It is expected that leaders from 21 member economies will be present at this meeting. The Bill empowers the Commissioner of Police to direct the closure of all or any part of the Domain, for up to 3 days. On current planning, however, the Domain is expected to be closed to the public for no more than 48 hours. The Bill is of limited duration, expiring on 31 December 1999.

Clause by Clause Analysis

Clause 1 relates to the Short Title and the commencement of the Bill. The Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 2 provides that the Bill expires on the close of 31 December 1999.

Clause 3 defines the terms "APEC", "Auckland Domain", "Commissioner", and "public notice".

Clause 4 provides that the purpose of the Bill is to enable the closure of the Auckland Domain to facilitate the holding of a leaders' meeting of APEC to be held in Auckland in September 1999.

Clause 5 provides that if there is any inconsistency between the Bill and the Auckland Domain Act 1987 or between the Bill and any other enactment, agreement, or document, the Bill prevails.

Clause 6 empowers the Commissioner of Police to direct from time to time the closure of all or any part of the Auckland Domain on any day or days (including part of any day) in September 1999, if the Commissioner considers that the closure of all or any part of the Auckland Domain is desirable to facilitate the holding of the leaders' meeting of APEC. The Commissioner may not direct the closure of all or any part of Auckland Domain for more than 3 days in September

1999. The Commissioner is required to ensure that public notice of the period of closure and the part or parts of the Auckland Domain that are to be closed is given at least 2 days before the period of closure commences. However, the failure to comply with this requirement does not affect the validity of a direction for closure.

Clause 7 provides that while the Auckland Domain is closed as a consequence of a direction given by the Commissioner under the Act, a person may enter or remain in the Domain only with the permission of a member of the police.

Clause 8 provides that, while any part of the Auckland Domain is closed as a consequence of a direction given under *clause 6 (1)* the Commissioner is to be treated as the occupier of that part of the Auckland Domain for the purposes of the Trespass Act 1980, and any member of the police may, in relation to that land, exercise the powers given by that Act to the occupier.

Rt Hon Don McKinnon

AUCKLAND DOMAIN (TEMPORARY CLOSURE FOR APEC)

ANALYSIS

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A BILL INTITULED

An Act to provide for the temporary closure of the Auckland Domain for the purposes of the leaders' meeting of Asia-Pacific Economic Co-operation to be held in Auckland in September 1999

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BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Auckland Domain (Temporary Closure for APEC) Act 1999.

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(2) This Act comes into force on the day after the date on which it receives the Royal assent.

2. Expiry—This Act expires on the close of 31 December 1999.

PART 1

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PRELIMINARY PROVISIONS

3. Interpretation—In this Act, unless the context otherwise requires,—

“APEC” means the Asia-Pacific Economic Co-operation:
 “Auckland Domain” means the land described in the First Schedule of the Auckland Domain Act 1987; but does not include any road within the meaning of the Local Government Act 1974 or the Land Transport Act 1998: 5
 “Commissioner” means the Commissioner of Police:
 “Public notice” means a notice printed in a newspaper circulating in the Auckland area.

4. Purpose—The purpose of this Act is to enable the closure of the Auckland Domain to facilitate the holding of a leaders’ meeting of APEC to be held in Auckland in September 1999. 10

5. Act to prevail—If there is any inconsistency between this Act and the Auckland Domain Act 1987 or between this Act and any other enactment, agreement, or document, this Act prevails. 15

PART 2

TEMPORARY CLOSURE OF AUCKLAND DOMAIN

6. Temporary closure of Auckland Domain—(1) The Commissioner may from time to time direct the closure of all or any part of the Auckland Domain on any day or days (including part of any day) in September 1999 if the Commissioner considers that the closure of all or any part of the Auckland Domain is desirable to facilitate the holding of the leaders’ meeting of APEC. 20 25

(2) Despite **subsection (1)**, the Commissioner may not, under that subsection, direct that all or any part of the Auckland Domain be closed for more than 3 days in total.

(3) If the Commissioner directs the closure of all or any part of the Auckland Domain under **subsection (1)**, the Commissioner must ensure that public notice of the period of closure and the part or parts of the Auckland Domain that are to be closed is given at least 2 days before the period of closure commences. 30

(4) A failure to comply with **subsection (3)** does not affect the validity of any direction given under **subsection (1)**. 35

7. Entry to Auckland Domain during period of closure—A person may enter or remain in any part of the Auckland Domain while it is closed as a consequence of a direction given under **section 6 (1)** only with the permission of a member of the police. 40

8. Application of Trespass Act 1980—While any part of the Auckland Domain is closed as a consequence of a direction given under **section 6 (1)**,—

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- (a) The Commissioner is to be treated as the occupier of that part of the Auckland Domain for the purposes of the Trespass Act 1980; and
 - (b) Any member of the police may, in relation to that land, exercise the powers given by that Act to the occupier.