

ANSWER SHEET

Jimbo and Baba visit Parliament House

The following is a sample answer to the exercise 'Jimbo and Baba visit Parliament House' on pages 339–40 of the textbook.

Answer

Jimbo and Baba cannot legally be refused entry to Parliament House under the *Visiting Parliament House Act 2009* (Cth). It is federal legislation and the actions leading to the charge took place in Canberra, on Commonwealth land, so the jurisdictional requirement is met. It is a 2009 Act, and the date of assent was 1 March 2009, so the Act is in force.

The staff, in refusing entry to Jimbo and Baba, are presumably relying on section 4, and treating Jimbo as the visitor and Baba as Jimbo's pet, or s 3, in relation to proper identification papers.

In relation to the first issue, the definition of 'pet' is not provided in the Act but s 15AB of the *Acts Interpretation Act 1901* (Cth) allows us to use extrinsic materials. The dictionary meaning of 'pet' is 'any domesticated or tamed animal that is kept as a companion and cared for affectionately'. Baba is an animal and has been tamed through training. Although he is Jimbo's companion, he is not 'kept as a companion' but is a work colleague, and although Jimbo works with Baba, he does not care for him affectionately. Therefore Baba is not a pet. Baba is also not 'any other thing that may disturb the peace' because he has excellent dexterity and it is unlikely to break anything inside. Therefore Baba should be treated as a visitor in his own right under the Act.

In relation to the second issue, no visitor with proper identification papers can be refused entry under s 3(b) of the Act. 'Proper identification papers' are given an exhaustive definition under s1, by using the word 'means'. Jimbo's passport is specifically mentioned, and so there is no right to refuse entry to Jimbo. Baba's breeding certificate also comes within the definition, because a breeding certificate is an animal's equivalent to a birth certificate.

This interpretation of Baba as a visitor with proper identification papers who cannot be refused entry does not conflict with the purpose of the Act. We are able, via s 15AB of the *Acts Interpretation Act 1901* (Cth), to refer to extrinsic materials such as second reading speeches. Here, the Minister's comments do not affect Jimbo and Baba. Although they work for the circus, their mere attendance at Parliament House does not make it a circus, and they are certainly not 'unidentified persons'. Therefore, the staff cannot legally refuse entry to Jimbo and Baba under the Act.