

COURT SECURITY AMENDMENT BILL 2011

25 May 2011

Bill introduced on motion by Mr Greg Smith.

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [10.17 a.m.]: I move:

That this bill be now agreed to in principle.

The bill gives effect to recommendations that arose out of a five-year statutory review of the Court Security Act 2005 that has been tabled in the House on a previous occasion. The Court Security Act 2005 provides a statutory basis for the exercise of security powers in New South Wales courts. The legislation provides security officers with a range of powers that are specifically directed at ensuring the secure and orderly operation of the courts. Sheriff's officers generally undertake court security and have the power to undertake limited services that the court uses to confiscate offensive implements or prohibited items, such as weapons. I recall years ago, before the Court Security Act came into operation, that sometimes when I was prosecuting cases security checks were made at the courts through the use of metal detectors, but that at other times when there were no security checks people brought into court knives, guns, iron bars and implements of that type and that from time to time there were threats or attacks on witnesses in the courtroom.

The principle Act, the Court Security Act, was necessary to clarify the powers of sheriffs' officers to avoid difficulties they might experience. The existing powers of arrest under the Court Security Act applies to such matters as absconding to avoid arrest, known as the "power of hot pursuit", the obstruction of security officers, failure to obey a direction given by a security officer, and the destruction of signs in court premises. Security incidents in New South Wales courts are relatively uncommon, nevertheless a number of incidents have occurred in which sheriffs' officers and people on court premises have been the subject of violence. The bill provides that security officers may arrest a person when they or other people attending court premises are the subject of an act of violence under part 3 of the Crimes Act 1900, which relates to offences against the person.

Consistent with the safeguards contained in the Law Enforcement (Powers and Responsibilities) Act 2002, the bill also provides that a security officer may discontinue an arrest at any time if the arrested person is no longer a suspect or the reason for the arrest no longer exists. Security officers will receive further training in relation to their new powers. The definition of "court premises" has also been amended in the bill. The definition makes it clear that court premises extend to areas used for the operations of the court or nearby areas used for other purposes. The proposed amendment will enable security officers to intervene if members of the public are being harassed or altercations occur in areas adjacent to the court such as in a justice precinct or on a footpath. The Parramatta precinct is home to a modern establishment that contains a very functional court and other agencies. From time to time people attending those other agencies have been involved in arguments and violence and

court officers have had to assist in resolving such situations. It should not be assumed that the courts exist on an island; other agencies might attract clients who can cause trouble and it would be useful if court officers could be called on to assist in restoring order.

The Court Security Act currently provides that a judicial officer may order that members of the public leave court premises or be denied entry to court premises where that is considered necessary for securing order and safety in court premises. Currently such orders may be open-ended, and that can create problems. The bill clarifies the operation of the provision so that an initial order is limited to 28 days but may be renewed. Other relatively minor amendments to the legislation introduce restrictions concerning the bringing of alcohol and animals into court premises and the wearing of helmets in court premises. Of course, assistance animals will continue to be permitted in court premises. In respect of the power of the court to exclude people, I recall a trial some years ago involving a defendant who had a large support group in the membership of a particular organisation. Members of that organisation would attend court in groups of 15 to 20. The presiding judge determined that their staring at witnesses constituted intimidation and that evidence would be continued in closed court, thereby excluding the support group. The accused was convicted and that order was an unsuccessful ground of appeal. There may be occasions when witnesses are intimidated or the processes of the court are interfered with and it is necessary for courts to make those sorts of orders.

The bill updates the Court Security Act and will help to ensure that court security officers can continue to perform their role in protecting court personnel and other court users. The bill will commence towards the end of the year once security officers have received appropriate training relating to the amendments to the Act. I commend the bill to the House.