

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [11.22 a.m.], on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

The bill before the House gives effect to recommendations arising out of a five-year statutory review of the Court Security Act 2005, which has previously been tabled in this House. 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 courts. Sheriff's officers generally undertake court security and have the power to undertake limited searches of court users and confiscate offensive implements or prohibited items, such as weapons. The existing power of arrest under the Court Security Act applies to such matters as absconding to avoid arrest—known as a power of "hot pursuit"—the obstruction of security officers, failure to obey a direction by a security officer and the destruction of signs in court premises.

Security incidents in New South Wales courts are relatively uncommon. Nevertheless, there have been a number of incidents where sheriff's officers and people on court premises have been subject to violence. The bill provides that security officers may arrest a person where they or other people attending court premises are the subject of an act of violence under part 3 of the Crimes Act 1900. Part 3 of that Act 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" in the bill has also been amended. The definition makes it clear that court premises extend to areas used in relation to the operations of the court or nearby areas used for other purposes. The proposed amendment will enable security officers to intervene where 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 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 this is considered necessary for securing order and safety in court premises. Currently, such orders may be open ended. 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 on court premises. Assistance animals will, of course, continue to be permitted in court premises. The bill updates the Court Security Act and will help to ensure that security officers in courts can continue to perform their role in protecting court personnel and other court users. The bill will commence towards the end to the year, once security officers have received appropriate training relating to the changes to the Act. I commend the bill to the House.