

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Court Security Act 2005* to implement certain recommendations arising from the statutory review of the Act. In particular, the Bill:

(a) clarifies the duration of orders by judicial officers that exclude members of the public generally or certain members of the public from court premises, and

(b) contains measures for preventing the taking of animals and alcohol into court premises, and

(c) enables a court security officer to require a person not to wear a helmet that obscures the face while in court premises, and

(d) enables a court security officer to arrest a person who is committing an act of violence against another person in court premises or has just done so, and

(e) extends the definition of ***court premises*** to include certain areas used in relation to courts that are also used for other purposes.

### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

### **Schedule 1 Amendment of Court Security Act 2005**

#### **No 1**

**Schedule 1 [1]** amends section 4 of the Act to specifically include in the definition of ***court premises*** any part of premises or a place used in relation to the operations of a court that is also used for other purposes.

**Schedule 1 [2]** amends section 7 of the Act to provide that an order given by a judicial officer that excludes the public generally, or specified members of the public, from court premises or a part of court premises can have effect for no more than 28 days. A judicial officer may renew such an order if the officer considers the circumstances warrant it.

**Schedule 1 [3]** inserts proposed section 7A into the Act to enable a court security officer to refuse a person entry to court premises, or to direct a person to leave court premises, if the person is in possession of an animal. The proposed section does not apply to an assistance animal that is being used by a person with a disability or an animal that is taken into court premises with the authority of a judicial officer, police officer or court security officer.

**Schedule 1 [5]** amends section 11 of the Act to enable a court security officer to require a person to surrender any alcohol in the person's possession before being allowed entry into court premises. Any alcohol surrendered is to be kept in safekeeping and returned to the person on request when the person leaves the court premises. **Schedule 1 [4]** makes a consequential amendment to section 10 of the Act.

**Schedule 1 [6]** amends section 14 of the Act to specifically include a power for a court security officer to give a direction to a person to remove a helmet that the person is wearing and that obscures the face and not to wear it while in court premises. **Schedule 1 [7] and [8]** make consequential amendments.

**Schedule 1 [9]** amends section 16 of the Act to enable a court security officer to arrest a person if the person is assaulting another person in the court premises or has just assaulted another person in the court premises. **Schedule 1 [11]** defines ***assault*** as an act of violence against a person that constitutes an offence under Part 3 of the *Crimes Act 1900*.

**Schedule 1 [10]** amends section 16 of the Act to specifically enable a security officer to discontinue an arrest.

**Schedule 1 [12] and [13]** amend Schedule 1 to the Act to make provision for matters of a savings or transitional nature consequent on the enactment of the proposed Act.

**Schedule 2 Amendment of Court Security  
Regulation 2005**

**Schedule 2** amends Schedule 2 to the Regulation to enable a penalty notice to be given to a person for failing to comply with a direction given by a court security officer to leave the premises because the person is in possession of an animal.