



New South Wales

Court Security Amendment Bill 2011

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.

Court Security Amendment Bill 2011

Explanatory note

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.

First print



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New South Wales

Court Security Amendment Bill 2011

No. , 2011

A Bill for

An Act to amend the *Court Security Act 2005* to make further provision with respect to the powers of security officers for courts; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Court Security Amendment Act 2011</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5

Schedule 1	Amendment of Court Security Act 2005	1
	No 1	2
[1]	Section 4 Definitions	3
	Insert at the end of paragraph (c) of the definition of <i>court premises</i> in section 4 (1):	4
		5
	, and	6
	(d) any part of premises or a place used in relation to the operations of a court, or referred to in the preceding paragraphs, that is also used for other purposes.	7
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[2]	Section 7 Judicial officer may close court premises for security reasons	10
	Insert after section 7 (1):	11
	(1A) An order of a judicial officer under this section may have effect for no more than 28 days. However, nothing prevents the judicial officer from renewing the order for a further period not greater than 28 days if the judicial officer considers that the circumstances warrant it.	12
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	(1B) An order may be renewed more than once.	17
[3]	Section 7A	18
	Insert after section 7:	19
	7A Animals in court premises	20
	(1) A security officer may refuse a person entry to court premises, or may require a person in court premises to leave the premises, if the person is in possession of an animal.	21
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	(2) If a security officer requires a person to leave court premises in accordance with this section, the person must immediately leave the premises.	24
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	Maximum penalty: 5 penalty units.	27
	(3) This section does not apply to or in respect of the following:	28
	(a) an assistance animal (within the meaning of the <i>Disability Discrimination Act 1992</i> of the Commonwealth) that is being used by a person with a disability (within the meaning of that Act),	29
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		31
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	(b) an animal that is taken into court premises with the authority of a judicial officer, police officer or security officer.	33
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[4] Section 10 Power to search persons and vehicles	1
Insert “or may be required to be deposited with the officer under section 11 (1)” after “offensive implement” in section 10 (1) (e).	2 3
[5] Section 11 Power to require property and other things to be surrendered for safekeeping	4 5
Insert after section 11 (1) (b):	6
(c) any alcohol, or bottle or other container in which alcohol is contained, that is in the person’s possession or control unless the person is taking it into court premises with the authority of a judicial officer or the registrar of the relevant court.	7 8 9 10 11
[6] Section 14 Power to give directions	12
Insert after section 14 (2):	13
(2A) Without limiting subsection (1), a security officer may give either or both of the following directions to a person who is entering or in court premises:	14 15 16
(a) a direction to remove a helmet that is being worn by the person,	17 18
(b) a direction to not wear a helmet while in court premises.	19
(2B) A security officer may give a direction under subsection (2A) only if the helmet concerned is obscuring the face of the person wearing it or would obscure the face of a person wearing it.	20 21 22
[7] Section 14 (3)	23
Omit “has complied with section 20 in giving a direction to a person”.	24
Insert instead “has complied with this section and section 20 in giving a direction to a person under this section”.	25 26
[8] Section 14 (7)	27
Omit “subsection (1)”. Insert instead “this section”.	28
[9] Section 16 Powers of arrest	29
Insert at the end of section 16 (1) (b):	30
, or	31
(c) the person is assaulting another person in the premises or has just assaulted another person in the premises.	32 33

[10] Section 16 (4A)	1
Insert after section 16 (4):	2
(4A) 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 or for any other reason.	3 4 5
[11] Section 16 (5)	6
Insert in alphabetical order:	7
<i>assault</i> a person means commit an act of violence against a person that constitutes an offence under Part 3 of the <i>Crimes Act 1900</i> .	8 9 10
[12] Schedule 1 Savings, transitional and other provisions	11
Insert at the end of clause 1 (1):	12
<i>Court Security Amendment Act 2011</i>	13
[13] Schedule 1, Part 2	14
Insert after Part 1:	15
Part 2 Provision consequent on the enactment of the Court Security Amendment Act 2011	16 17
2 Orders to exclude persons from court premises	18
Section 7 (1A) (as inserted by the <i>Court Security Amendment Act 2011</i>) applies only to orders made under that section after the commencement of that subsection.	19 20 21

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

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Schedule 2 Penalty notice offences

Insert in appropriate order of provisions in Columns 1 and 2, respectively:

Section 7A (2)

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