

TASMANIA

COURT SECURITY BILL 2017

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COURT SECURITY BILL 2017

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
1 June 2017

(Brought in by the Minister for Building and Construction, the Honourable Guy Barnett)

A BILL FOR

An Act to make provision for the security and good order of courts and tribunals, and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Court Security Act 2017*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears –

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Administrator means the Administrator of the Magistrates Court;

ammunition has the same meaning as in the *Firearms Act 1996*;

appointing officer, in relation to a court, means a person who holds the office which has, under section 4, the power to appoint a security officer for the court;

chemical agent means –

- (a) oleoresin capsicum (commonly known as pepper spray or capsicum spray); and
- (b) orthochlorobenzalmalononitrile (commonly known as tear gas); and
- (c) any other prescribed substance;

Chief Clerk (Coronial Division) has the same meaning as in the *Coroners Act 1995*;

Chief Clerk of Petty Sessions has the same meaning as in the *Justices Act 1959*;

controlled substance has the same meaning as in the *Misuse of Drugs Act 2001*;

coroner has the same meaning as in the *Coroners Act 1995*;

court includes the Supreme Court, a court of petty sessions, a court of summary jurisdiction, the Magistrates Court

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(including any division of that Court) and a tribunal;

court premises means the premises or place where a court is held and includes –

- (a) a courtroom; and
- (b) a forecourt, courtyard, yard, parking area, toilet facility, hall, corridor, or other area, used in conjunction with the premises or place; and
- (c) a part of the premises or place used as an entrance to or exit from the premises or place; and
- (d) a part of any premises, or any place, being used to enable a person, who is at a different location, to appear before the court by means of audio, or audio-visual, communication; and
- (e) a place at which a view, hearing or the taking of evidence is being carried out in relation to proceedings before a court; and
- (f) a part of any premises, or of any place, that are premises, or a place, used in relation to the operation or management of a court or court premises or that is referred to in another paragraph of this definition;

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courtroom means a room –

- (a) designed for use by, or periodically used by, a court when sitting in public; or
- (b) in which hearings of a court are conducted;

dangerous object –

- (a) means an object, the use of which is likely to adversely affect safety in, or the security of, a court or court premises; and
- (b) includes any ammunition, chemical agent, explosive, firework, inflammable liquid or weapon;

disruptive object means an object that is likely to affect the good order of, or management of, a court or court premises, and includes a placard and a banner;

electronic device –

- (a) means a device that operates by way of electronic impulses and that is capable of recording, transmitting or receiving data, whether in audio, visual or other format; and

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- (b) includes a computer, a mobile phone and a camera;

explosive means any one or more of the following, either alone or in combination:

- (a) a substance that is manufactured, or used, to produce an explosion;
- (b) a modification of such a substance;
- (c) a fuse;
- (d) a detonator;
- (e) any other prescribed substance or object;

firearm has the same meaning as in the *Firearms Act 1996*;

frisk search means –

- (a) a search of a person conducted by running the hands over the person's outer garments; and
- (b) an examination of any object worn by the person that is voluntarily removed by the person;

flammable liquid means a liquid –

- (a) that is combustible or the vapour of which is combustible; and

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- (b) that is not intended for human consumption;

journalist means a person who –

- (a) is engaged in the profession or practice of reporting, photographing, editing or recording for a media report of a news, current affairs, information or documentary nature; and
- (b) is paid to perform that profession or practice by a person, or body, that –
 - (i) is subject to a code of ethics and a procedure for the Australian Press Council, or for another person or body that is prescribed, to deal with complaints about persons engaging in such a profession or practice; or
 - (ii) is the holder of a licence under the *Broadcasting Services Act 1992* of the Commonwealth;

judicial officer means –

- (a) a judge, associate judge, acting judge, justice, magistrate or coroner; and

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-
- (b) the Registrar or a registrar of a court; and
 - (c) the Administrator; and
 - (d) the Chief Clerk of Petty Sessions; and
 - (e) the Chief Clerk (Coronial Division); and
 - (f) a member or Commissioner of a tribunal or a person who is, on behalf of a tribunal, responsible for ensuring the conduct, by parties to a matter, of conciliation or arbitration of the matter before the tribunal;

liquor has the same meaning as in the *Police Offences Act 1935*;

magistrate has the same meaning as in the *Magistrates Court Act 1987*;

mobile phone includes any device that may be used, in whole or in part, for the purpose of sending or receiving voice or other data over a mobile telephone network, whether or not it is used for that purpose;

prohibited object means –

- (a) a controlled substance; and
- (b) liquor; and
- (c) a dangerous object; and

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(d) a disruptive object;

recording device means any device, including an electronic device, that is capable of being used to record images or sounds, or both, and includes any of the following devices:

(a) a camera, including a video camera;

(b) a mobile phone that is capable of recording images or sound, or both;

(c) a tape recorder or digital audio recorder;

Registrar means the Registrar of the Supreme Court;

regulations means the regulations made under this Act;

security agent has the same meaning as in the *Security and Investigations Agents Act 2002*;

security guard has the same meaning as in the *Security and Investigations Agents Act 2002*;

security manager means a person appointed under section 6;

security officer means –

(a) the Registrar; and

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- (b) the Sheriff; and
 - (c) a Deputy Sheriff; and
 - (d) the Administrator; and
 - (e) the Chief Clerk of Petty Sessions;
and
 - (f) the Chief Clerk (Coronial
Division); and
 - (g) a registrar of a tribunal; and
 - (h) a person appointed under
section 4; and
 - (i) a police officer; and
 - (j) a security guard who is provided
to a court as a security officer
under an arrangement referred to
in section 5; and
 - (k) a security manager;

tribunal means a tribunal, body or person
which is by law entitled to hear, receive
and examine evidence and is prescribed
by the regulations to be a tribunal for the
purposes of this Act;

weapon means an object that is –

- (a) made, adapted, or modified, to be
used to injure or incapacitate a
person or to damage property; or

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- (b) intended, by the person possessing the object, to be used to injure or incapacitate a person or to damage property –

and includes a firearm and a knife.

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**PART 2 – APPOINTMENT AND IDENTIFICATION OF
SECURITY OFFICERS**

4. Appointment of security officers

- (1) The Registrar may appoint persons as security officers for the Supreme Court.
- (2) The Administrator may appoint persons as security officers for the Magistrates Court.
- (3) The Chief Clerk of Petty Sessions may appoint persons as security officers for courts of petty sessions.
- (4) The Chief Clerk (Coronial Division) may appoint persons as security officers for coroners' courts.
- (5) The Chair, Chief Commissioner or President of a tribunal may appoint persons as security officers for that tribunal.
- (6) An appointment under this section is subject to the conditions, if any, that limit the powers exercisable by the security officer and that are specified in the instrument of appointment.
- (7) A person may be appointed as a security officer for more than one court.
- (8) The appointing officer who appointed a security officer may, by notice in writing to the security officer –

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- (a) amend the conditions of appointment specified in the security officer's instrument of appointment by adding a condition or varying or revoking a condition; or
- (b) revoke the appointment.

5. Temporary provision of security guards as security officers

An appointing officer for a court may enter into an arrangement with a security agent for the temporary provision of a security guard as a security officer for the court.

6. Appointment of security managers

- (1) The Registrar may appoint persons as security managers for the Supreme Court.
- (2) The Administrator may appoint persons as security managers for the Magistrates Court.
- (3) The Chief Clerk of Petty Sessions may appoint persons as security managers for courts of petty sessions.
- (4) The Chief Clerk (Coronial Division) may appoint persons as security managers for coroners' courts.
- (5) The Head of the Agency responsible for the administrative arrangements of a tribunal may appoint persons as security managers for that tribunal.

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- (6) A security manager is to perform the functions, and exercise the powers, that are specified in his or her instrument of appointment.
 - (7) The appointment of a person as a security manager is subject to the conditions, if any, specified in his or her instrument of appointment.
 - (8) The person who appointed a security manager may, by notice in writing to the security manager –
 - (a) amend the conditions of appointment specified in the security manager's instrument of appointment by adding a condition or varying or revoking a condition; or
 - (b) revoke the appointment.
 - (9) A security manager may give directions to security officers.

7. Identification of security officers and security managers

- (1) The holder of the office of the person who appointed a person as a security manager under section 6, or the appointing officer who appointed a person to be a security officer under section 4, must issue the person with an identity card in a form approved by the appointing officer –

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- (a) containing the person's name or a unique identification code; and
 - (b) stating that the person is a security officer or security manager under this Act.
- (2) If a person to whom an identity card has been issued under subsection (1) ceases to be a security manager or security officer, the person must, as soon as possible, return the identity card to the holder of the office of the person who appointed the person as a security manager or the appointing officer who appointed the person.
- (3) A security officer or security manager to whom an identity card has been issued under subsection (1) is to, at all times while performing or exercising his or her functions or powers under this Act, wear his or her identity card so that it is clearly visible.

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PART 3 – ENTRY TO AND USE OF PREMISES

8. Right to enter and remain in open areas of court premises

- (1) A person may enter and remain in a part of court premises that is open to the public if –
 - (a) the person has complied with all relevant directions given, or requirements imposed, (whether under this Act or another law) by a judicial officer; and
 - (b) the person has complied with all relevant directions given, or requirements imposed, by a security officer under this Act or any other law; and
 - (c) the person has complied with all security signs or notices concerning entry to or remaining on court premises or security on the court premises.
- (2) Without limiting subsection (1), a journalist may, for the purpose of making a media report, enter and remain in a part of court premises open to the public that is located outside a building in which a courtroom is situated or in which a court is sitting, if the journalist is not obstructing or otherwise impeding access to the building.
- (3) This section has effect subject to the following:
 - (a) the provisions of this Act;
 - (b) the provisions of any other Act relating to the operation of courts;

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- (c) any inherent or implied jurisdiction of a court to regulate its proceedings;
- (d) any other Act or law about persons who may be present in a courtroom or on court premises.

9. Closure of court premises for security reasons

- (1) If a judicial officer or, subject to the directions of a judicial officer, a security officer, considers it necessary in the interests of securing order, safety or security on court premises or a part of the court premises he or she may –
 - (a) order members of the public generally, or specified members of the public, to leave the court premises or a part of the court premises; or
 - (b) order that members of the public generally, or specified members of the public, not be admitted to the court premises or a part of the court premises.
- (2) A person must not, without reasonable excuse, contravene an order under this section.

Penalty: Fine not exceeding 50 penalty units.

10. Possession of prohibited object

- (1) A person must not, without reasonable excuse –
 - (a) possess a prohibited object on court premises; or

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- (b) attempt to bring a prohibited object on to court premises.

Penalty: In the case of –

- (a) a prohibited object that is not a dangerous object, a fine not exceeding 50 penalty units; or
 - (b) a prohibited object that is a dangerous object, a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 6 months, or both.
- (2) Subsection (1) does not apply in respect of any of the following:
 - (a) the possession of any prohibited object that is or may be, or is to be, an exhibit in proceedings before a court on court premises, if a judicial officer or security officer has authorised the possession of the object; or
 - (b) the possession of any prohibited object that a judicial officer or security officer has directed or authorised to be allowed in a courtroom or on court premises;
 - (c) the possession by a security officer of any prohibited object that has been taken into possession or seized under this Act;
 - (d) the possession (otherwise than in principal court premises within the meaning of section 11) by –

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- (i) a police officer; or
- (ii) a correctional officer, within the meaning of the *Corrections Act 1997*; or
- (iii) an authorised person, within the meaning of the *Mental Health Act 2013* –

of any prohibited object in the performance or exercise of the officer's or person's functions or powers under any Act or law;
- (e) the possession of prohibited objects in circumstances prescribed by the regulations.

11. Use of electronic and recording devices in principal court premises

- (1) In this section –

principal court premises means –

- (a) a courtroom; and
- (b) a part of premises, or a place, being used to enable a person at a different location to appear before the court by means of audio, or audio-visual, communication; and
- (c) a place at which a view, hearing or the taking of evidence is being

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carried out in relation to
proceedings before a court;

relevant restrictions or permissions means –

- (a) directions given by a judicial officer or security officer; and
- (b) any guidelines or practice directions issued or given by a judicial officer or under an Act;

use, in relation to an electronic device or a recording device, includes record, transmit and record and transmit.

- (2) A person must not use an electronic device, or a recording device, in principal court premises.

Penalty: Fine not exceeding 50 penalty units.

- (3) Subsection (2) does not apply in respect of the use of an electronic device, or a recording device, in principal court premises by –

- (a) a judicial officer; or
- (b) a person employed or engaged by or on behalf of the Crown for the purposes of the court.

- (4) Subsection (2) does not apply in respect of the use of an electronic device, or a recording device, if –

- (a) the use of the device has been expressly permitted by a judicial officer and is in

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- accordance with the relevant restrictions or permissions; or
- (b) the use is in accordance with the relevant restrictions or permissions and is made by –
- (i) an Australian legal practitioner, a prosecutor or an officer of the court, for the purpose of conducting his or her work as such a practitioner, prosecutor or officer; or
- (ii) a journalist who is engaged in the profession or practice referred to in paragraph (a) of the definition of *journalist* in section 3; or
- (c) the use is made in other circumstances prescribed by the regulations and is in accordance with the relevant restrictions or permissions.
- (5) Subsection (4) does not apply in relation to a use of an electronic device, or a recording device, if the use –
- (a) interferes with the court recording system or other technology; or
- (b) interferes with court decorum, is inconsistent with the functions of a court or otherwise impedes the administration of justice; or

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- (c) generates electronic sound or involves speech; or
 - (d) consists of the taking of photographs or video images; or
 - (e) consists of the recording or digital transcription of the proceedings.
- (6) A person must not, without the consent of a judicial officer, publish –
- (a) a photograph, or a video image, that was taken in principal court premises; or
 - (b) a recording, by an electronic device or a recording device, of all or part of proceedings in principal court premises.

Penalty: Fine not exceeding 50 penalty units.

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Part 4 – Powers and Duties of Security Officers and Security Managers

**PART 4 – POWERS AND DUTIES OF SECURITY
OFFICERS AND SECURITY MANAGERS**

12. Powers of search

- (1) A security officer may direct a person entering or on court premises to –
- (a) stop any vehicle in the person's possession or control that is about to be driven, or has been driven, onto the court premises; or
 - (b) allow a vehicle referred to in paragraph (a) to be searched; or
 - (c) submit to a search, including a search of any personal effects of that person which the security officer considers are reasonably capable of concealing a prohibited object.
- (2) A person to whom a direction is given under subsection (1) must not, without reasonable excuse, contravene the direction.

Penalty: Fine not exceeding 50 penalty units.

- (3) It is a defence to a charge of an offence against subsection (2) in relation to a direction given under subsection (1)(b) if the person who has been directed to allow a vehicle to be searched instead removes, as soon as practicable, the vehicle from the premises or the entrance to the premises.

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- (4) It is a defence to a charge of an offence against subsection (2) in relation to a direction given under subsection (1)(c) if the person who has been directed to submit to a search instead, as soon as practicable, leaves the premises or the entrance to the premises.

13. Conduct of search

- (1) In this section –

intersex has the same meaning as in the *Anti-Discrimination Act 1998*;

transgender has the same meaning as in the *Anti-Discrimination Act 1998*;

transsexual has the same meaning as in the *Anti-Discrimination Act 1998*.

- (2) A search under section 12 –

- (a) may be conducted by one or more of the following means:

(i) using an animal, or an electronic or other device that is designed to locate a prohibited object that is the subject of the search;

(ii) visual inspection;

(iii) frisk search; and

- (b) must be conducted expeditiously; and

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- (c) must be carried out in circumstances that give reasonable privacy to the person undergoing the search.
- (3) A security officer may require a person who is being searched under subsection (2)(a) to remove –
 - (a) an outer garment, but only if clothing is worn underneath; and
 - (b) gloves, headwear or footwear.
- (4) A search under subsection (2)(a) of a person apparently 10 or more years of age that includes the removal of clothing –
 - (a) is not to be conducted unless the person to be searched –
 - (i) has been asked whether he or she has in his or her possession any prohibited object; and
 - (ii) has been given the opportunity to produce any such object; and
 - (iii) has been given the opportunity to have the search conducted in private and, if the person chooses, the search is conducted in private; and
 - (b) is to be conducted in the presence of no more than 2 persons.

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- (5) A search under subsection (2)(a) of a person apparently 10 or more years of age that includes the removal of clothing is to be conducted –
- (a) if practicable, by a security officer of the same gender as the person searched or, if the person is transsexual, transgender or intersex, who is of the gender that the person requests; and
 - (b) if practicable, in the presence of only persons of the same gender as the person searched or, if the person is transsexual, transgender or intersex, who is of the gender that the person requests.
- (6) A search under subsection (2)(a) of a child apparently less than 10 years of age that includes the removal of clothing is to be conducted –
- (a) by a female security officer; and
 - (b) subject to paragraph (c), in the presence of only female persons; and
 - (c) in the presence of a person, if any, who is accompanying the child, unless that person refuses to be present.
- (7) If a search under subsection (2)(a) of a person apparently 10 or more years of age includes the removal of clothing and that person is accompanied by another person (the *accompanying person*) –
- (a) the person to be searched may request the person conducting the search to allow the

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Part 4 – Powers and Duties of Security Officers and Security Managers

accompanying person to be present during the search; and

- (b) the person conducting the search must comply with the request, unless he or she is reasonably of the opinion that to do so may compromise the safety of persons in, or the good order or security of, the court premises.

14. Power to require person to disclose identity

- (1) Subject to subsection (4), a security officer may require a person, who is entering or is on court premises, to –
 - (a) disclose the person's name and residential address; and
 - (b) disclose the reason for the person's visit to the court premises; and
 - (c) provide evidence of the person's identity.
- (2) A person in respect of whom a requirement is made under subsection (1) must not without reasonable excuse –
 - (a) fail to comply with the requirement; or
 - (b) in response to the requirement, state a false name, address or reason for the person's visit or give false evidence of identity.

Penalty: Fine not exceeding 50 penalty units.

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- (3) It is a defence to a charge of an offence against subsection (2) in relation to a requirement imposed on a person if the person, instead of complying with the requirement, as soon as practicable, leaves the premises or the entrance to the premises.
- (4) A security officer may not exercise his or her powers under subsection (1) in respect of a person who –
- (a) claims to be –
 - (i) a lawyer, legal practitioner, barrister or solicitor; or
 - (ii) a police officer of the Commonwealth or of a State or Territory of the Commonwealth; or
 - (iii) a member of the State Service of the State or of the Public Service of the Commonwealth –
- and to be acting in the course of his or her duty; and
- (b) immediately provides satisfactory proof of the truth of that claim.

15. Powers to request deposit of, or seize, objects

- (1) A security officer may request a person entering or on court premises to –

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Part 4 – Powers and Duties of Security Officers and Security Managers

- (a) deposit with the security officer any personal effects of that person which the security officer considers are reasonably capable of concealing a prohibited object; or
 - (b) deposit a prohibited object with the security officer; or
 - (c) deposit with the security officer any electronic device or recording device.
- (2) A person to whom a request is made under subsection (1) must not fail, without reasonable excuse, to comply with the request.

Penalty: Fine not exceeding 50 penalty units.
- (3) It is a defence to a charge of an offence against subsection (2) in relation to a direction given under subsection (1)(c) to a person if –
 - (a) the person, instead of complying with the requirement, leaves the premises or the entrance to the premises as soon as practicable; or
 - (b) where the person has been directed to deposit with the security officer any electronic device or recording device, the person provides to the security officer who made the request evidence that the person is a person to whom section 11(2) does not, by virtue of section 11(3) or (4), apply.

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- (4) A security officer may seize a prohibited object –
- (a) found on a person during a search under section 12; or
 - (b) found in any personal effects, or vehicle, during a search under section 12.
- (5) A security officer –
- (a) may seize an electronic device, or a recording device, that the security officer believes on reasonable grounds has been used in contravention of section 11(2); and
 - (b) may make a copy of any images, or sounds, recorded on an electronic device, or a recording device, that the security officer believes on reasonable grounds has been used in contravention of section 11(2).
- (6) A security manager or a judicial officer may –
- (a) delete any images or sounds, or both, from or obtained by an electronic device, or a recording device, seized under subsection (5) and may retain the device for the period necessary to delete the images or sounds, or both; or
 - (b) retain an electronic device, or a recording device, seized under subsection (5), as evidence of the commission of an

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Part 4 – Powers and Duties of Security Officers and Security Managers

offence against that section and give the
device to a police officer.

16. Dealings by security officer with prohibited object

If a person has deposited a prohibited object with a security officer or the security officer has seized from a person a prohibited object, the security officer –

- (a) is to return the prohibited object to the person, if the person so requests, when the person leaves the court premises, unless paragraph (b) applies; or
- (b) is to –
 - (i) advise a police officer that the prohibited object has been deposited with or seized by the security officer; and
 - (ii) give the prohibited object to a police officer –

if the security officer has reasonable cause to believe that –

- (iii) the prohibited object may be required as evidence of the commission of an offence under this Act; or
- (iv) the person is not legally entitled to possess the prohibited object; or

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- (v) the prohibited object, if returned to the person, may be used imminently to commit an offence.

17. Powers of removal

- (1) A security officer may direct a person to leave or not enter a court or court premises, or may remove a person or cause a person to be removed from a court or court premises, if the person –
 - (a) is behaving in an unlawful, disorderly, menacing or indecorous manner; or
 - (b) is the subject of an order under section 9; or
 - (c) is in possession of a prohibited object in contravention of section 10; or
 - (d) has contravened section 11(2); or
 - (e) has failed to comply with a requirement under section 14 or a request under section 15(1); or
 - (f) has failed to comply with a direction given to the person under this Act.
- (2) A person must not, without reasonable excuse, contravene a direction under subsection (1).

Penalty: Fine not exceeding 50 penalty units.

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Part 4 – Powers and Duties of Security Officers and Security Managers

18. Powers of arrest

- (1) A security officer may, without a warrant, arrest a person on court premises if the security officer believes on reasonable grounds that –
 - (a) the person is committing an offence under this Act or has just committed such an offence; or
 - (b) the person has committed, or is about to commit, an offence under this Act.
- (2) A security officer may exercise the power conferred on the officer by subsection (1) in respect of a person at a place outside the court premises if –
 - (a) the security officer believes on reasonable grounds that the person left the court premises in an attempt to avoid arrest; and
 - (b) the security officer pursued the person from the court premises and the pursuit was not stopped or interrupted at any time before the security officer arrived at the place for the purpose of exercising the power.
- (3) For the purposes of subsection (2), a pursuit of a person is taken not to have stopped or to have been interrupted only because the security officer concerned has temporarily lost sight of the person.

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- (4) A security officer who is not a police officer and who arrests a person under this section must, as soon as practicable, take the person to a police officer to be dealt with according to law.

19. Escorting, detaining, &c., persons in custody

A security officer may, in relation to a person who is in custody, escort, detain (with or without handcuffs or other restraints) and guard the person while the person is on court premises.

20. Power to give reasonable directions

- (1) A security officer may give to a person entering or on court premises a direction reasonably necessary to ensure safety, good order or security on court premises.
- (2) A person must not, without reasonable excuse, contravene a direction given under subsection (1).

Penalty: Fine not exceeding 50 penalty units.

21. Use of reasonable force and assistance

A security officer performing a function or exercising a power under this Act may use the force and the assistance that is reasonably necessary to perform the function or exercise the power.

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22. Security officers to provide information in relation to exercise of power

A security officer must, before or at the time of exercising a power under this Act and if it is reasonably practicable to do so, provide the person who is the subject of the exercise of the power with the following information:

- (a) evidence that the person is a security officer;
- (b) the name or identification code of the security officer;
- (c) the reason for the exercise of the power;
- (d) a warning that a failure to comply with a direction or requirement of the security officer may be an offence.

23. Powers only to be exercised in relation to court in relation to which officer appointed

A security manager and a security officer who is not a police officer may only perform or exercise a function or power in relation to a court or court premises if the security manager or security officer was appointed as such for the purpose of that court and court premises in relation to that court.

24. Confidentiality

- (1) In this section –

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confidential information means information related to –

- (a) the security or management of a court; or
 - (b) proceedings of a court that are not open to members of the public.
- (2) A security officer must not, except to the extent necessary to perform or exercise his or her functions or powers, record, disclose, communicate or make use of confidential information.

Penalty: Fine not exceeding 5 penalty units.

- (3) Subsection (2) does not apply in relation to confidential information that consists of –
- (a) giving evidence or producing a document to a court in the course of criminal proceedings or proceedings under this Act, even though the evidence or document contains confidential information; or
 - (b) disclosing or communicating confidential information in accordance with the written authority of the Minister; or
 - (c) disclosing or communicating confidential information to the Ombudsman or an officer of the Ombudsman; or

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- (d) disclosing confidential information to another person or a police officer, if the disclosure is made to assist the person or police officer to perform official duties; or
- (e) disclosing confidential information to the extent specifically authorised by another Act.

PART 5 – MISCELLANEOUS

25. Proceedings conducted at certain care facilities

If proceedings of a court are to be conducted at a facility at which care or treatment is provided to persons, this Act does not apply in relation to the proceedings unless the person responsible for the management of that facility has agreed, with the Registrar, Administrator, Chief Clerk of Petty Sessions, Chief Clerk (Coronial Division) or, in the case of a tribunal, the Head of Agency, as the case may require, that this Act will apply in relation to the proceedings.

26. Obstruction and impersonation of security officer

A person must not –

- (a) wilfully delay, hinder or obstruct a security officer or security manager in the performance or exercise of the security officer's or security manager's functions or powers under this Act; or
- (b) falsely represent himself or herself to be a security officer.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

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Part 5 – Miscellaneous

27. Limitation of liability

A security officer or a security manager does not incur any personal liability in respect of an act done, or omitted to be done, in good faith in the performance or exercise, or purported performance or exercise, of his or her functions or powers under this Act.

28. Effect of Act

- (1) The powers conferred by this Act are in addition to and do not derogate from any powers conferred on, or possessed by, a court, judicial officer or person in relation to the conduct of proceedings in court or the regulation of the conduct of persons in court or on court premises.
- (2) Nothing in this Act affects any power of the court in relation to contempt of court or other similar power.
- (3) Nothing in this Act derogates from any powers conferred on, or possessed by, a police officer by or under any other law.

29. Offences punishable summarily

An offence under this Act may be dealt with summarily by the Magistrates Court or a court of petty sessions.

30. Rules, guidelines and directions

- (1) A judicial officer may issue directions or guidelines, for the purposes of this Act, in relation to the court or tribunal in respect of which he or she is a judicial officer.
- (2) Rules may be made for the purposes of this Act –
 - (a) in relation to the Supreme Court – by the judges of that court; and
 - (b) in relation to the Magistrates Court or a court of petty sessions – by the Magistrates Rule Committee established under section 15AC of the *Magistrates Court Act 1987*; and
 - (c) in relation to a tribunal – by the chairperson of the tribunal or a person or body authorised by an Act to make rules for the purposes of that tribunal.
- (3) Nothing in this section enables the issuing of rules, guidelines, or directions, that are inconsistent with this Act or the regulations.

31. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may be made so as to apply differently according to such factors as are specified in the regulations.

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- (3) The regulations may authorise any matter to be determined, applied or regulated by –
- (a) in the case of the Supreme Court – the Chief Justice or another person specified in the regulations; or
 - (b) in the case of the Magistrates Court – the Chief Magistrate or another person specified in the regulations; or
 - (c) in the case of a court of petty sessions – the Chief Clerk of Petty Sessions; or
 - (d) in the case of court premises being used under the *Coroners Act 1995* – a coroner; or
 - (e) in the case of a tribunal – a person specified, in relation to the tribunal, in the regulations.
- (4) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.

32. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Justice; and

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- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

33. Legislation repealed

The legislation specified in Schedule 1 is repealed.

34. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

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SCHEDULE 1 – LEGISLATION REPEALED

Section 33

Admission to Courts Act 1916 (No. 12 of 1916)

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SCHEDULE 2 – LEGISLATION RESCINDED

Section 34

Admission to Courts (Lower Courts) Regulations 2016 (No.
106 of 2016)

Admission to Courts (Supreme Court) Regulations 2016 (No.
107 of 2016)