

Passed by both Houses



New South Wales

Court Security Amendment Bill 2011

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2011*



New South Wales

Court Security Amendment Bill 2011

Act No , 2011

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Court Security Amendment Act 2011*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Court Security Act 2005 No 1

[1] Section 4 Definitions

Insert at the end of paragraph (c) of the definition of *court premises* in section 4 (1):

, and

- (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.

[2] Section 7 Judicial officer may close court premises for security reasons

Insert after section 7 (1):

- (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.
- (1B) An order may be renewed more than once.

[3] Section 7A

Insert after section 7:

7A Animals in court premises

- (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.
- (2) If a security officer requires a person to leave court premises in accordance with this section, the person must immediately leave the premises.
Maximum penalty: 5 penalty units.
- (3) This section does not apply to or in respect of the following:
 - (a) an assistance animal (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth) that is being used by a person with a disability (within the meaning of that Act),
 - (b) an animal that is taken into court premises with the authority of a judicial officer, police officer or security officer.

[4] Section 10 Power to search persons and vehicles

Insert “or may be required to be deposited with the officer under section 11 (1)” after “offensive implement” in section 10 (1) (e).

[5] Section 11 Power to require property and other things to be surrendered for safekeeping

Insert after section 11 (1) (b):

- (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.

[6] Section 14 Power to give directions

Insert after section 14 (2):

- (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:
 - (a) a direction to remove a helmet that is being worn by the person,
 - (b) a direction to not wear a helmet while in court premises.
- (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.

[7] Section 14 (3)

Omit “has complied with section 20 in giving a direction to a person”.

Insert instead “has complied with this section and section 20 in giving a direction to a person under this section”.

[8] Section 14 (7)

Omit “subsection (1)”. Insert instead “this section”.

[9] Section 16 Powers of arrest

Insert at the end of section 16 (1) (b):

, or

- (c) the person is assaulting another person in the premises or has just assaulted another person in the premises.

[10] Section 16 (4A)

Insert after section 16 (4):

- (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.

[11] Section 16 (5)

Insert in alphabetical order:

assault a person means commit an act of violence against a person that constitutes an offence under Part 3 of the *Crimes Act 1900*.

[12] Schedule 1 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Court Security Amendment Act 2011

[13] Schedule 1, Part 2

Insert after Part 1:

Part 2 Provision consequent on the enactment of the Court Security Amendment Act 2011

2 Orders to exclude persons from court premises

Section 7 (1A) (as inserted by the *Court Security Amendment Act 2011*) applies only to orders made under that section after the commencement of that subsection.

Schedule 2 Amendment of Court Security Regulation 2005

Schedule 2 Penalty notice offences

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

Section 7A (2)

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