



Court Security Regulation 2013

Select Legislative Instrument No. 260, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Court Security Act 2013*.

Dated 12 December 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

George Brandis QC
Attorney-General

OPC60267 - B

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Part 1—Preliminary

1 Name of regulation

This regulation is the *Court Security Regulation 2013*.

2 Commencement

This regulation commences on 1 January 2014.

3 Authority

This regulation is made under the *Court Security Act 2013*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this regulation:

Act means the *Court Security Act 2013*.

AFP Commissioner means the Commissioner within the meaning of the *Australian Federal Police Act 1979*.

NSW sheriff's officer means the Sheriff or a sheriff's officer within the meaning of the *Sheriff Act 2005* (NSW).

NT deputy sheriff means a deputy sheriff within the meaning of the *Sheriff Act* (NT).

Part 2—Security officers and authorised court officers

6 Qualifications and training of security officers

- (1) The qualifications that a person requires for appointment as a security officer are:
 - (a) a Certificate II in Security Operations; or
 - (b) another qualification that the administrative head of the court considers is at least equivalent to a Certificate II in Security Operations.
- (2) Also, the person must have successfully completed training that is:
 - (a) approved in writing by the administrative head of the court; and
 - (b) designed:
 - (i) to make the person familiar with the Act and this regulation, and the court's security policies and protocols; and
 - (ii) to give the person competence in exercising the powers of a security officer under the Act or this regulation.
- (3) However, subsection (2) does not apply if there is a sudden and urgent need for a security officer at court premises.

7 Training of authorised court officers

- (1) The training that a person requires for appointment as an authorised court officer is training that is:
 - (a) approved in writing by the administrative head of the court; and
 - (b) designed:
 - (i) to make the person familiar with the Act and this regulation, and the court's security policies and protocols; and

- (ii) to give the person competence in exercising the powers of an authorised court officer under the Act or this regulation.
- (2) However, subsection (1) does not apply if there is a sudden and urgent need for an authorised court officer at court premises.

8 Identity cards

- (1) If the administrative head of a court issues an identity card to a person who is appointed as a security officer or authorised court officer, the identity card must:
 - (a) state the person's name; and
 - (b) state that the person is a security officer or authorised court officer; and
 - (c) state the dates on which the card was issued and expires.
- (2) The court in which a security officer or authorised court officer is to exercise powers as a security officer or authorised court officer is prescribed for subparagraph 13(a)(ii) of the Act.

9 Where powers may be exercised—prescribed persons

The following persons are prescribed for subparagraph 33(b)(ii) of the Act:

- (a) a NSW sheriff's officer;
- (b) a NT deputy sheriff.

10 Complaints about AFP security officers

- (1) This section applies if the administrative head of a court receives a complaint under subsection 35(1) or 37(2) of the Act that relates to a security officer who is not appointed under section 9 of the Act.
- (2) The administrative head must refer the complaint to:
 - (a) the AFP Commissioner; or
 - (b) a delegate of the AFP Commissioner.

Schedule 1—Consequential amendments

Ombudsman Regulations 1977

1 After regulation 3

Insert:

3A Members of court staff

- (1) Each security officer is declared to be a member of the staff of the chief executive of the court, for paragraph 3(14)(d) of the Act.
- (2) In this regulation:

court has the meaning given by the *Court Security Act 2013*.

security officer means a person who holds an appointment under the *Court Security Act 2013* as a security officer for a court.

Public Order (Protection of Persons and Property) Regulations 1999

2 Regulation 4

Repeal the regulation, substitute:

4 Investigative authorities

The following are prescribed for Part IIA of the Act:

- (a) the Australian Crime Commission;
- (b) the Integrity Commissioner.

3 Subregulations 8(2) to (4) and (5A)

Repeal the subregulations.

4 Regulation 8 (note)

Repeal the note, substitute:

Note: For the application of the *Privacy Act 1988* to an act or practice of the Australian Crime Commission or the Integrity Commissioner, see paragraphs 7(1)(a) and (b) of that Act.