

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

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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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