

# NORTHERN TERRITORY OF AUSTRALIA

## LEGISLATIVE ASSEMBLY (SECURITY) ACT 1998

As in force at 20 June 2018

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# NORTHERN TERRITORY OF AUSTRALIA

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## LEGISLATIVE ASSEMBLY (SECURITY) ACT 1998

**An Act to provide for security in the Assembly precincts and for related purposes**

### **Part 1 Preliminary**

#### **1 Short title**

This Act may be cited as the *Legislative Assembly (Security) Act 1998*.

#### **2 Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

#### **3 Application**

- (1) This Act is in addition to and does not derogate from:
  - (a) the Speaker's powers under section 16 of the *Legislative Assembly (Powers and Privileges) Act 1992*; or
  - (b) any other power, privilege or immunity of the Assembly and of its members, committees and persons in relation to the regulation of the conduct of persons on the Assembly precincts.
- (2) Except as provided in this Act, a person has a right to enter and remain on the Assembly precincts, where there is room for the person on the precincts, if the person:
  - (a) has a proper reason for being on or about the precincts or has indicated that he or she wishes to see the proceedings of the Assembly; and
  - (b) has complied with the requirements, if any, of the Speaker or an authorised person.

## 4 Definitions

In this Act:

**Assembly** means the Legislative Assembly.

**Assembly precincts** means the precincts of the Assembly within the meaning of section 14 of the *Legislative Assembly (Powers and Privileges) Act 1992*.

**authorised person** means:

- (a) a person appointed under section 5(2); or
- (b) a person referred to in section 5(1).

**explosive** means a substance or article manufactured, designed or ordinarily used to produce an explosion or a pyrotechnic effect and includes:

- (a) fireworks and gunpowder;
- (b) a gaseous substance so compressed that it is capable of exploding;
- (c) material or a substance used to produce an explosion or pyrotechnic effect; and
- (d) an apparatus, machine, implement or material, or a part of an apparatus, machine, implement or material, used or able to be used or adapted to cause or aid in causing an explosion or a pyrotechnic effect.

**firearm**, see section 3(1) of the *Firearms Act 1997*.

**frisk search** means a search conducted by a person running his or her hands over the outer clothing of the person being searched.

**offensive weapon**, see section 3 of the *Weapons Control Act 2001*, definitions **controlled weapon**, **offensive weapon** and **prohibited weapon**.

**screening search**, in relation to the search of an object, means a search by equipment that is designed to carry out the search without touching the object or requiring it to be opened.

*Note for section 4*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

## **Part 2                    Authorised persons**

### **5                    Authorised persons**

- (1) The following persons are authorised persons for the purpose of this Act:
- (a) the Clerk within the meaning of the *Legislative Assembly (Powers and Privileges) Act 1992*;
  - (b) the Deputy Clerk within the meaning of the *Legislative Assembly (Powers and Privileges) Act 1992*;
  - (c) the Clerk Assistant within the meaning of the *Legislative Assembly (Powers and Privileges) Act 1992*;
  - (d) the Sergeant-at-Arms of the Assembly;
  - (e) a member of the Police Force;
  - (f) a person, employed by a security firm within the meaning of the *Private Security Act 1995* that is engaged to provide the services of crowd controllers in relation to the Assembly precincts, who:
    - (i) is directed by the security firm to provide the services of a crowd controller in relation to the Assembly precincts; and
    - (ii) holds a crowd controller's licence within the meaning of the *Private Security Act 1995* (not being a crowd controller's transitional licence or a crowd controller's provisional licence within the meaning of that Act);
  - (g) a person appointed under subsection (2).
- (2) The Speaker may, in writing, appoint an employee within the meaning of the *Public Sector Employment and Management Act 1993* to be an authorised person.

### **6                    Termination of appointment**

- (1) The Speaker may, in writing, terminate the appointment of a person as an authorised person.



made:

- (a) deposit it with an authorised person; or
- (b) leave Parliament House with it.

Maximum penalty: 40 penalty units or imprisonment for 12 months.

- (3) Where a person fails to comply with a requirement under subsection (1), an authorised person may seize the placard, poster or object to which the failure to comply relates.

## **9 Unlawful, disorderly conduct, &c.**

- (1) Where an authorised person believes that a person on the Assembly precincts is behaving unlawfully or in a disorderly or menacing manner, the authorised person may require the person to leave the precincts.
- (2) A person must not contravene or fail to comply with a requirement under subsection (1).

Maximum penalty: 40 penalty units or imprisonment for 12 months.

## **10 Obstruction, &c., of authorised person**

A person must not resist, hinder or obstruct an authorised person in the execution of his or her duty.

Maximum penalty: 85 penalty units or imprisonment for 2 years.

## **Part 4 Powers in relation to security on Assembly precincts**

### **11 Person may be required to state name and address, &c.**

- (1) An authorised person may require a person who is entering or who is on the Assembly precincts:
  - (a) to tell the authorised person the person's name and address;
  - (b) to tell the authorised person the person's reason for entering or being on the precincts; and
  - (c) to provide to the authorised person proof of the person's identity.

(2) A person must not fail to provide, when required to do so by an authorised person:

- (a) his or her name and address;
- (b) his or her reason for entering or being on the Assembly precincts; or
- (c) any proof of identity the person is carrying.

Maximum penalty: 17 penalty units.

(3) A person must not provide to an authorised person a false name, a false address, false information as to why the person is entering or on the Assembly precincts or a false proof of identity.

Maximum penalty: 40 penalty units.

## **12 Searches of objects**

(1) An authorised person may require a person who is entering or who is on the Assembly precincts to submit an object in the possession of the person to a screening search.

(2) Where an authorised person believes, on reasonable grounds, that it is necessary to do so in the interests of security, he or she may require a person who is entering or who is on the Assembly precincts:

- (a) to open and empty out the person's pockets;
- (b) to open or empty a container, briefcase, bag, box, carton or other receptacle in the possession of the person; or
- (c) to enable the authorised person to search an object in the possession of the person.

(3) A person of whom a requirement is made under subsection (1) or (2) must, as soon as practicable after the requirement is made:

- (a) comply with the requirement; or
- (b) leave the Assembly precincts.

Maximum penalty: 40 penalty units.

## **13 Frisk searches**

(1) Where an authorised person believes, on reasonable grounds, that it is necessary to do so in the interests of security, he or she may, with the consent of a person who is entering or who is on the

Assembly precincts, conduct a frisk search of the person.

(2) Where an authorised person believes, on reasonable grounds, that it is necessary to do so in the interests of security, he or she may require a person who is entering or who is on the Assembly precincts:

(a) to accompany the authorised person to a place on the precincts and to remain at that place; or

(b) to remain at a place on the precincts,

for the purpose of enabling a member of the Police Force to conduct a frisk search of the person.

(3) A person of whom a requirement is made under subsection (2) must comply with the requirement.

Maximum penalty: 40 penalty units.

(4) An authorised person must, as soon as practicable after making a requirement of a person under subsection (2), request a member of the Police Force to attend the Assembly precincts for the purpose of enabling a frisk search of the person to be conducted.

(5) Where a member of the Police Force has not, within 30 minutes after a request was made under subsection (4), attended at the Assembly precincts for the purpose of enabling a frisk search of a person to be conducted:

(a) the person is no longer required to comply with the requirement made of him or her under subsection (2); and

(b) the authorised person must tell the person that he or she is no longer required to comply with the requirement.

(6) A member of the Police Force attending the Assembly precincts in accordance with a request under subsection (4):

(a) may require the person to whom the request to attend relates to submit to a frisk search or to remove a jacket or coat and submit to a frisk search; and

(b) may conduct a frisk search of the person, or, where the member of the Police Force is not of the same sex as the person being searched, may ensure a frisk search of the person is conducted.

- (7) A frisk search under subsection (6) may only be conducted:
- (a) by a member of the Police Force who is the same sex as the person being searched; or
  - (b) where a member of the Police Force of the same sex as the person being searched is not available to conduct the search – by any other person of the same sex who agrees to a request by the member to conduct the frisk search.
- (8) No civil or criminal proceeding lies against a person authorised for the purposes of subsection (7)(b) in respect of an act or thing done in good faith by the person conducting a frisk search of the person in accordance with the request of a member of the Police Force.
- (9) A person of whom a requirement is made under subsection (2) must not be questioned in relation to an alleged offence other than by a member of the Police Force.

#### **14 Frisk searches in emergencies**

- (1) Where an authorised person believes, on reasonable grounds, that circumstances of such seriousness and urgency exist that it is necessary to do so in the interests of security, he or she may:
- (a) require a person who is entering or who is on the Assembly precincts to submit to a frisk search or to remove a jacket or coat and submit to a frisk search; and
  - (b) conduct a frisk search of the person.
- (2) A person of whom a requirement is made under subsection (1)(a) must comply with the requirement.

Maximum penalty: 40 penalty units.

#### **15 Seizure and forfeiture of firearms, &c.**

- (1) An authorised person may seize a firearm, explosive or offensive weapon that is in the possession of a person, other than a person to whom section 7(2) applies, who is entering or who is on the Assembly precincts.
- (2) Where a person is found guilty of an offence against section 7(1), the firearm, explosive or offensive weapon to which the offence relates is forfeited to the Territory.
- (3) Where a person is found guilty of an offence against section 8(2), the placard, poster or object to which the offence relates is forfeited to the Territory.



- (4) An authorised person must, as soon as practicable after making a requirement of a person under subsection (2), request a member of the Police Force to attend the Assembly precincts for the purpose of conducting a search of the vehicle.
- (5) Where a member of the Police Force has not, within 30 minutes after a request was made under subsection (4), attended at the Assembly precincts for the purpose of conducting a search of the vehicle:
  - (a) the driver or person apparently in possession of the vehicle is no longer required to comply with the requirement made of him or her under subsection (2); and
  - (b) the authorised person must tell the person that he or she is no longer required to comply with the requirement.
- (6) A member of the Police Force may require the driver or person apparently in possession of a vehicle that is on, entering or about to enter the Assembly precincts:
  - (a) to stop or not to move the vehicle; or
  - (b) to open or open and empty the vehicle and any object in the vehicle that is reasonably capable of concealing a firearm, explosive or offensive weapon.
- (7) A person of whom a requirement is made under subsection (6) must comply with the requirement.

Maximum penalty: 40 penalty units or imprisonment for 12 months.

- (8) Where a requirement under subsection (6)(b) is not complied with, a member of the Police Force may use such reasonable force as is necessary to break into and search the vehicle or object to which the requirement relates.

## **18 Detention and search of vehicles in emergencies**

- (1) Where an authorised person believes, on reasonable grounds, that circumstances of such seriousness and urgency exist that it is necessary to do so in the interests of security, he or she may require the driver or person apparently in possession of a vehicle that is on, entering or about to enter the Assembly precincts:
  - (a) to stop or not to move the vehicle;
  - (b) to open or open and empty the vehicle and any object in the vehicle that is reasonably capable of concealing a firearm,

explosive or offensive weapon; and

- (c) to:
- (i) accompany the authorised person to a place on the precincts and to remain at that place; or
  - (ii) remain with the vehicle.

- (2) A person of whom a requirement is made under subsection (1) must comply with the requirement.

Maximum penalty: 40 penalty units or imprisonment for 12 months.

- (3) An authorised person may search a vehicle to which a requirement under subsection (1) relates.
- (4) Where a requirement under subsection (1)(b) is not complied with, an authorised person may use such reasonable force as is necessary to break into and search the vehicle or object to which the requirement relates.

## **19 Person may be refused entry to precincts**

- (1) An authorised person may order a person who refuses to comply with a requirement of an authorised person under this Act (other than a requirement under section 9(1)) not to enter the Assembly precincts or a part of the Assembly precincts.
- (2) A person must not fail to comply with an order of an authorised person under subsection (1).

Maximum penalty: 40 penalty units or imprisonment for 12 months.

- (3) Where a person fails to comply with an order under subsection (1), an authorised person may, using such force as is reasonably necessary for the purpose:
- (a) prevent the person from entering the Assembly precincts or a part of the Assembly precincts; or
  - (b) remove the person from the Assembly precincts or a part of the Assembly precincts.

## **20 Person may be removed from precincts**

- (1) Where a person refuses to comply with a requirement or order of an authorised person under this Act (other than a requirement under

section 9(1)), an authorised person may order the person to leave the Assembly precincts or a part of the Assembly precincts.

- (2) A person must not fail to comply with an order of an authorised person under subsection (1).

Maximum penalty: 40 penalty units or imprisonment for 12 months.

- (3) Where a person fails to comply with:

- (a) an order of an authorised person under subsection (1); or  
(b) a requirement of an authorised person under section 9(1),

an authorised person may:

- (c) remove the person from the Assembly precincts or a part of the Assembly precincts using such force as is reasonably necessary for that purpose; and  
(d) where the person has failed to comply with a requirement under section 17 or 18 – remove a vehicle driven by or in the possession of the person from the Assembly precincts.

## **21 Arrest**

- (1) Where an authorised person believes, on reasonable grounds, that a person has committed, is committing or is likely to commit an offence against this Act, the authorised person may, without warrant, arrest the person and take him or her into custody.
- (2) Where an authorised person who arrests a person under subsection (1) is not a member of the Police Force, the authorised person must deliver the person to a member of the Police Force as soon as practicable after the person is arrested.
- (3) A person who is arrested under subsection (1) and is in custody must not be questioned in relation to an offence other than by a member of the Police Force.
- (4) Where a person is delivered to a member of the Police Force under subsection (2), the *Police Administration Act 1978* applies in relation to the person and the member as if the arrest had been made under that Act.
- (5) Nothing in this section derogates from the power of a person to arrest a person without warrant under section 441 of the Criminal Code.

## **Part 5 Regulations**

### **22 Regulations**

The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

amd = amended  
 app = appendix  
 bl = by-law  
 ch = Chapter  
 cl = clause  
 div = Division  
 exp = expires/expired  
 f = forms  
 Gaz = Gazette  
 hdg = heading  
 ins = inserted  
 lt = long title  
 nc = not commenced

od = order  
 om = omitted  
 pt = Part  
 r = regulation/rule  
 rem = remainder  
 renum = renumbered  
 rep = repealed  
 s = section  
 sch = Schedule  
 sdiv = Subdivision  
 SL = Subordinate Legislation  
 sub = substituted

**2****LIST OF LEGISLATION*****Legislative Assembly (Security) Act 1998 (Act No. 62, 1998)***

Assent date	14 October 1998
Commenced	14 October 1998

***Legislative Assembly (Security) Amendment Act 2000 (Act No. 13, 2000)***

Assent date	25 May 2000
Commenced	25 May 2000

***Penalties Amendment (Chief Minister's and Other Portfolios) Act 2011 (Act No. 27, 2011)***

Assent date	31 August 2011
Commenced	21 September 2011 ( <i>Gaz</i> G38, 21 September 2011, p 5)

***Statute Law Revision Act 2018 (Act No. 10, 2018)***

Assent date	23 May 2018
Commenced	20 June 2018 ( <i>Gaz</i> S41, 20 June 2018)

**3****GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the Interpretation Legislation Amendment Act 2018 (Act No. 22 of 2018) to: ss 1, 3, 4, 5, 6 and 23.

**4****LIST OF AMENDMENTS**

s 4	amd No. 13, 2000, s 2; No. 10, 2018, s 6
ss 7 – 14	amd No. 27, 2011, s 3
ss 16 – 20	amd No. 27, 2011, s 3
sch	rep No. 13, 2000, s 3