

NORTHERN TERRITORY OF AUSTRALIA

COURT SECURITY ACT 1998

As in force at 1 May 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 May 2016

COURT SECURITY ACT 1998

An Act to provide for the security of courts and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Court 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 any other power that a court, judge or person has relating to the conduct of proceedings in a court or regulating the conduct of persons on court premises.
- (2) This Act does not affect any power of a court relating to contempt of the court or any other similar power.
- (3) Except as provided in this Act, a person has a right to enter and remain on court premises, where there is room for the person on the court premises, if the person:
 - (a) has a proper reason for being on or about the court premises or has indicated that he or she wishes to see the proceedings of a court; and
 - (b) has complied with the requirements, if any, of a judge or security officer.

4 Definitions

In this Act, unless the contrary intention appears:

Chief Executive Officer means the Chief Executive Officer of the Agency allotted responsibility by an Administrative Arrangements Order for the administration of courts.

court means:

- (a) the Supreme Court; or
- (b) the Local Court; or
- (d) the Youth Justice Court continued in existence by section 45 of the *Youth Justice Act 2005*; or
- (e) the Work Health Court under Part 3 of the *Work Health Administration Act 2011*; or
- (h) a prescribed court; or
- (j) a tribunal, body or person that is by law entitled to hear, receive and examine evidence and is prescribed.

court premises means the premises or place where a court is held or that are used in connection with the operations of a court and includes:

- (a) a forecourt, courtyard, yard or area used in conjunction with the premises or place; and
- (b) a part of premises that is used to provide entry to or exit from court premises.

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 has the meaning it has in 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.

Judge means a Supreme Court Judge, Local Court Judge, justice of the peace or a prescribed person.

offensive weapon has the same meaning it has in section 56A(4) of the *Summary Offences Act 1923*.

screening search means:

- (a) in relation to a search of a person – a search by equipment that is designed to carry out the search without touching the person; and
- (b) in relation to the search of an object – a search by equipment that is designed to carry out the search without touching the object or requiring it to be opened.

security officer, in relation to a court, means a person appointed under section 5(2) in relation to the court and person referred to in section 5(1)(a) or (b).

Part 2 Entry to and exclusion from court

Division 1 Security Officers

5 Security officers

- (1) The following persons are security officers for the purpose of this Act:
 - (a) a member of the Police Force;
 - (b) a sheriff, or an officer of the sheriff, within the meaning of the *Sheriff Act 1962*;
 - (c) a person appointed under subsection (2).
- (2) The Chief Executive Officer may, in writing, appoint a person to be a security officer.
- (3) A person is not to be appointed a security officer unless:
 - (a) he or she is an employee within the meaning of the *Public Sector Employment and Management Act 1993*; or

- (b) he or she 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).
- (4) The instrument appointing a security officer is to specify his or her employer, if any.
- (5) A person may be appointed a security officer under subsection (2) in relation to all courts, or a particular court, as is specified in the instrument appointing the person.

6 Termination of appointment

- (1) The Chief Executive Officer may, in writing, terminate the appointment of a person as a security officer.
- (2) A person appointed under section 5(2) ceases to be a security officer if:
 - (a) he or she ceases to be an employee of the employer specified in his or her instrument of appointment;
 - (b) the employer of the security officer ceases to be engaged to provide the services of crowd controllers to the court in relation to which the security officer is appointed; or
 - (c) he or she ceases to hold a crowd controller's licence within the meaning of the *Private Security Act 1995*.

Division 2 Court security

7 Person may be required to state name and address, &c.

- (1) A security officer may require a person who is entering or who is on court premises:
 - (a) to tell the security officer the person's name and address;
 - (b) to tell the security officer the person's reason for entering or being on the premises; and
 - (c) to provide to the security officer proof of the person's identity.
- (2) A person must not fail to provide, when required to do so by a security officer, his or her name and address, his or her reason for entering or being on court premises or any proof of identity the person is carrying.

Maximum penalty: 17 penalty units.

- (3) A person must not provide to a security officer a false name, a false address, false information as to why the person is entering or on court premises or a false proof of identity.

Maximum penalty: 40 penalty units.

8 Searches

- (1) A security officer may require a person who is entering or who is on court premises to submit himself or herself and any object in the possession of the person to a screening search.

- (2) Where a security officer 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 court premises:

(a) to submit to a frisk search or to remove a jacket or coat and submit to a frisk search; and

(b) to open and empty out the person's pockets, to open or empty a container, briefcase, bag, box, carton or other receptacle in the possession of the person or otherwise to permit the security officer to search an object in the possession of the person.

- (3) A frisk search may only be performed by:

(a) a security officer of the same sex as the person being searched; or

(b) where a security officer of the same sex as the person being searched is not available to perform the search – by any other person of the same sex who agrees to a request by a security officer to perform the frisk search.

- (4) 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 court premises.

Maximum penalty: 40 penalty units.

- (5) An action or proceeding, whether civil or criminal, is not to be commenced or lie against a person authorised for the purposes of subsection (3)(b) for or in respect of an act or thing done in good faith by the person performing a frisk search of the person in accordance with the request of a security officer.

9 No firearms, explosives or offensive weapons on court premises

- (1) A person must not be in possession of a firearm, explosives or an offensive weapon on court premises.

Maximum penalty: 220 penalty units or imprisonment for 5 years.

- (2) Subsection (1) does not apply in relation to:
- (a) a member of the Police Force acting in the course of his or her duties;
 - (b) a security officer acting in the course of his or her duties; or
 - (c) a person in possession of a firearm, explosives or an offensive weapon for the purposes of proceedings in a court.

10 Seizure and forfeiture of firearms, &c.

- (1) A security officer may seize a firearm, explosives or an offensive weapon that is in the possession of a person, other than a person to whom section 9(2) applies, who is entering or who is on court premises.
- (2) Where a person is found guilty of an offence against section 9(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 11(2), the placard, poster or object to which the offence relates is forfeited to the Territory.

11 Placards, objects, &c., likely to engender violence

- (1) A security officer may require a person who is entering or who is on court premises with a placard, poster or other object to deposit the placard, poster or object with the officer if it is:
- (a) offensive, insulting, threatening or indecent; or
 - (b) likely to engender violence, create a breach of the peace or unreasonably cause substantial annoyance to another person.
- (2) A person required under subsection (1) to deposit a placard, poster or object must, as soon as practicable after the requirement is made:
- (a) deposit it with a security officer; or

18 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all 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.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Court Security Act 1998 (Act No. 42, 1998)***

Assent date 27 May 1998
Commenced 1 July 1998 (*Gaz S28*, 1 July 1998, p 1)

Youth Justice (Consequential Amendments) Act 2005 (Act No. 33, 2005)

Assent date 22 September 2005
Commenced 1 August 2006 (s 2, s 2 *Youth Justice Act 2005* (Act No. 32, 2005) and *Gaz G30*, 26 July 2006, p 3)

Law Reform (Work Health) Amendment Act 2007 (Act No. 30, 2007)

Assent date 12 December 2007
Commenced 1 July 2008 (*Gaz S29*, 25 June 2008)

Justice Legislation Amendment (Penalties) Act 2010 (Act No. 12, 2010)

Assent date 20 May 2010
Commenced 1 July 2010 (*Gaz G24*, 16 June 2010, p 2)

Mineral Titles (Consequential Amendments) Act 2010 (Act No. 37, 2010)

Assent date 18 November 2010
Commenced 7 November 2011 (*Gaz G41*, 12 October 2011, p 5)

Work Health and Safety (National Uniform Legislation) Implementation Act 2011 (Act No. 38, 2011)

Assent date 14 December 2011
Commenced 1 January 2012 (*Gaz S78*, 30 December 2011)

Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)

Assent date 6 April 2016
Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz S34*, 29 April 2016)

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, 4, 5, 6 and 16.

4 LIST OF AMENDMENTS

s 4	amd No. 33, 2005, s 5; No. 30, 2007, s 59; No. 37, 2010, s 13; No. 38, 2011, s 31; No. 8, 2016, s 45
ss 7 – 9	amd No. 12, 2010, s 3
ss 11 – 15	amd No. 12, 2010, s 3
s 17	amd No. 12, 2010, s 3