

Queensland



LAW COURTS AND STATE BUILDINGS PROTECTIVE SECURITY ACT 1983

**Reprinted as in force on 22 February 1994
(includes amendments up to Act No. 17 of 1993)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 22 February 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to do the following—

- use citations and references permitted by Division 2 of that Act;
- use updated references permitted by Division 3 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- correct spelling, and use different spelling consistent with current legislative drafting practice, as permitted by section 26(2) of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by sections 39 and 40 of that Act;
- omit the enacting words as permitted by section 42A of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



**LAW COURTS AND STATE BUILDINGS
PROTECTIVE SECURITY ACT 1983**

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LAW COURTS AND STATE BUILDINGS PROTECTIVE SECURITY ACT 1983

[as amended by all amendments that commenced on or before 22 February 1994²]

An Act to provide for the protective security of law courts and State buildings, for the establishment of a State Government Protective Security Service as part of the public service of Queensland and for the functions, powers and duties of the members thereof and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Law Courts and State Buildings Protective Security Act 1983*³⁻⁵.

Commencement

2.(1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as is provided by subsection (1), the provisions of this Act shall commence on a date to be appointed by proclamation.

(3) The date so appointed is in this Act referred to as the date of commencement of this Act.

Interpretation

4. In this Act—

*Law Courts and State Buildings Protective
Security Act 1983*

“Administrator” means the person for the time being appointed under section 6 to administer the protective security service;

“building” means any building or part of a building in Brisbane containing premises used as a court of law and any other building or part of a building of the same or a different description declared by order in council to be a building for the purposes of this Act;

“Commissioner” means the Commissioner of the Police Service for the time being appointed under the *Police Service Administration Act 1990*;

“explosive substance” means a substance that is or contains an explosive within the meaning of the *Explosives Act 1952*;

“firearm” means a firearm within the meaning of the *Firearms and Offensive Weapons Act 1979*;

“offensive weapon” means any thing made or adapted for use for causing injury to or for incapacitating a person or intended by the person in possession of it for such a use;

“precincts” means, in relation to a building—

- (a) any forecourt or other court used in conjunction with the building;
and
- (b) any yard or area used in conjunction with the building or adjacent to the building;

in either case within boundaries prescribed in respect of a particular building by the regulations or in the absence of such prescription up to the alignment of any public vehicular or pedestrian way adjacent to the building but including any wall or fence along the alignment; and

- (c) any area above or below the ground adjacent to the walls, roof or foundations of the building;

“protective security service” means the State Government Security Service constituted as provided for by section 5.

PART 2—PROTECTIVE SECURITY SERVICE

Establishment of Protective Security Service

5.(1) There shall be established as soon as practicable after the date of commencement of this Act the State Government Protective Security Service.

(2) The protective security service shall consist of all persons who hold appointments as any of the following—

- (a) senior protective security officer;
- (b) senior protective security officer (in training);
- (c) protective security officer.

Administration of Protective Security Service

6.(1) The Minister may, by instrument in writing, appoint a fit and proper person to administer the protective security service.

(2) The person so appointed shall, for so long as the person holds the appointment, administer the service subject to the Minister.

Appointment of protective security officers

7. The Minister may from time to time, upon the recommendation of the chief executive of the department, appoint fit and proper persons, other than police officers, to be—

- (a) protective security officers; or
- (b) senior protective security officers (in training).

Training of senior protective security officers

8.(1) The Administrator and the Commissioner may arrange for any senior protective security officer (in training), any protective security officer and any other person, other than a police officer, to undergo a course of training at the Police Academy at Brisbane to qualify the officer or person

for appointment as a senior protective security officer.

(2) The Commissioner may, in respect of any officer or person referred to in subsection (1) who has successfully completed the course of training referred to in that subsection, notify the Minister, in writing, that such officer or person is, in the Commissioner's opinion—

- (a) qualified for appointment as a senior protective security officer; and
- (b) is a fit and proper person to hold such an appointment.

Standard of fitness and propriety

9.(1) A person shall not be deemed to be a fit and proper person for appointment as a member of the protective security service—

- (a) if the person has been convicted in Queensland of a crime or misdemeanour or elsewhere than in Queensland, of an offence that, if it had been committed in Queensland, would constitute a crime or misdemeanour; and
- (b) unless the person is of good character.

(2) A person shall not be deemed to be a fit and proper person for appointment as—

- (a) a protective security officer; or
- (b) a senior protective security officer (in training) or a senior protective security officer;

unless the officer's physique and state of physical fitness comply with the standard prescribed therefor in relation to protective security officers or, as the case may be, senior protective security officers.

Appointment of senior protective security officers

10.(1) Where the Minister has been notified as referred to in section 8(2) the Minister may, upon the recommendation of the chief executive of the department, appoint the person to whom the notification relates as a senior protective security officer.

(2) Every senior protective security officer shall be appointed in respect

of 1 or more buildings and the officer's authority as such an officer shall be restricted to the building or buildings in respect of which the officer is appointed and the precincts thereof.

(3) The appointment of a senior protective security officer in respect of 1 or more buildings may at any time be terminated by the Minister for the purpose of the officer being appointed as a senior protective security officer in respect of any other building or buildings.

(4) The fresh appointment may include 1 or more buildings referred to in the previous appointment.

Public Service Management and Employment Act applicable to appointments

11.(1) Subject to this Act, the provisions of the *Public Service Management and Employment Act 1988* that relate to appointments made under that Act shall apply in relation to appointments made for the purposes of this Act.

(2) However, where an appointment referred to in section 10(3) is to be made it shall not be necessary, at the Minister's discretion, to comply with the provisions of that Act that require appointments to be made on probation in the first instance.

Appointments to be held subject to Public Service Management and Employment Act and this Act

12. Every—

- (a) senior protective security officer; and
- (b) senior protective security officer (in training); and
- (c) protective security officer;

shall hold the appointment subject to and in accordance with the *Public Service Management and Employment Act 1988* and this Act.

Oath of protective security officer

13.(1) A person appointed as a protective security officer, before acting as such, shall take and subscribe the following oath—

‘I, (name of appointee), swear by Almighty God that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second and Her Heirs and Successors according to law in the office of protective security officer without favour or affection, malice or ill will, from this date and until I am lawfully discharged from the State Government Protective Security Service, and that while I continue to be a protective security officer I will, to the best of my skill and knowledge, discharge all the duties lawfully imposed on me faithfully and according to law. So help me God.’

(2) If any person required by subsection (1) to take and subscribe the oath therein provided refuses or fails to take or subscribe the oath the person’s appointment as a protective security officer shall be thereby terminated.

Oath of senior protective security officer

14.(1) A person appointed as a senior protective security officer, before acting as such, shall take and subscribe the following oath—

‘I, (name of appointee), swear by Almighty God that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second and Her Heirs and Successors according to law in the office of senior protective security officer for the (name of building in respect of which the office is held) without favour or affection, malice or ill will, from this date and until I cease to hold that office, and that while I continue to hold that office I will to the best of my power cause the peace to be kept and preserved and prevent all offences against all persons within the said building or its precincts or against the properties of Her Majesty or such persons within the said building or its precincts and will, to the best of my skill and knowledge, discharge all the duties of that office faithfully and according to law. So help me God.’

(2) If any person required by subsection (1) to take and subscribe the oath therein provided refuses or fails to take or subscribe the oath the person’s appointment as a senior protective security officer shall thereby be terminated.

Justice to administer oaths

15.(1) An oath required by section 13 or 14 shall be administered by a justice of the peace and shall be subscribed before the justice.

(2) The oath when subscribed shall be forwarded to the Minister.

Taking of oath deemed to make agreement

16. Every person who takes and subscribes the oath required by section 13 or 14 shall be deemed to have thereby entered into an agreement in writing with the Crown and to be bound by that agreement to serve Her Majesty in terms of the oath—

- (a) in the case of an oath required by section 13—as a protective security officer in whatever capacity the officer may be required to serve at anytime; or
- (b) in the case of an oath required by section 14—in the office of senior protective security officer to which the oath refers;

in consideration of the wage or salary payable to the officer at the rate of pay applicable at the material time to an officer of the officer's description and rank.

PART 3—FUNCTIONS, POWERS AND DUTIES OF OFFICERS

Functions of officers

18. The functions of every member of the protective security service are—

- (a) to carry into effect the system formulated for the security of the building in respect of which the officer is appointed or in which the officer is assigned to perform duties and of the precincts thereof;
- (b) to carry into effect the system formulated for the safety of persons

working or being within the building in respect of which the officer is appointed or in which the officer is assigned to perform duties and within the precincts thereof;

- (c) to carry into effect the system formulated for the parking or entry of vehicles in or into the building in respect of which the officer is appointed or in which the officer is assigned to perform duties and in or into the precincts thereof.

Powers of senior protective security officer

19. Every person who holds an appointment as a senior protective security officer shall have and may exercise within the building in respect of which the officer holds the appointment and within the precincts thereof all the powers and authorities referred to in section 28 of the *Police Act 1937*, except the power of arrest, and in relation to the exercise of those powers and authorities shall have all the immunities referred to in that section.

Authority to demand identification

20.(1) A senior protective security officer may, subject to the regulations, demand of a person who is in the building in respect of which the officer is appointed or in the precincts thereof—

- (a) the person's name and address; or
- (b) evidence of the person's name and address; or
- (c) the person's reason for being in the building or, as the case may be, the precincts thereof.

(2) A person who in response to a demand made under subsection (1)—

- (a) refuses or fails to supply the information sought or any particular thereof;
- (b) supplies information that is false;
- (c) refuses or fails to provide the evidence sought or any part thereof;
- (d) provides as evidence of the person's name or address material that is false;

commits an offence against this Act unless, in the case referred to in

provision (c), the person has a reasonable excuse therefor.

Maximum penalty—\$500.

Authority to search etc.

21.(1) A senior protective security officer may, subject to the regulations, require—

- (a) a person who is in the building in respect of which the officer is appointed or in the precincts thereof to allow a search to be made of the person and of such of the person's property accompanying the person as the officer believes to be capable of concealing any firearm, explosive substance or offensive weapon; or
- (b) a person who is in or about to enter the building in respect of which the officer is appointed to deposit in a place specified by the officer any property that the officer believes to be capable of concealing any firearm, explosive substance or offensive weapon;

if the officer believes it to be necessary in the interests of security so to do.

(2) A person who refuses to comply with a requisition directed to the person under subsection (1) commits an offence against this Act.

Maximum penalty—\$1 000.

Seizure of firearms etc.

22.(1) A senior protective security officer may seize and detain any firearm, explosive substance or offensive weapon found in the possession of any person in the building in respect of which the officer is appointed or in the precincts thereof except where that person is lawfully in possession of it in the course of the person's trade, business or calling.

(2) A firearm, explosive substance or offensive weapon seized under subsection (1) shall be disposed of in accordance with section 101 of the *Firearms and Offensive Weapons Act 1979* as if it were a firearm or dangerous article referred to therein in the custody of a member of the police force and until it is so disposed of may be detained in such custody as the Minister directs.

Refusal of entry to and removal from building

23. Where a person has refused or failed to comply with a demand made of the person under section 20 or with a requisition directed to the person under section 21 or has failed to satisfy a senior protective security officer that the person has a good and lawful reason to be in a particular building or the precincts thereof then—

- (a) if the person is in the building or the precincts thereof—it shall be lawful for the senior protective security officer and all persons acting in aid of the officer to remove the person from the building and the precincts thereof, using such force as is necessary for the purpose; or
- (b) if the person is about to enter the building or the precincts thereof—it shall be lawful for the senior protective security officer and all persons acting in aid of the officer to prevent the person from entering the building or, as the case may be, the precincts thereof, using such force as is necessary for the purpose.

Authority to detain offenders and suspects

24. If a senior protective security officer—

- (a) suspects on reasonable grounds that a person has committed an offence against this Act in the building in respect of which the officer is appointed or in the precincts thereof; or
- (b) suspects on reasonable grounds that a person has committed an offence against any other law by reason of having done anything or having had anything in the person's possession in that building or in those precincts;

it is lawful for that officer and any other senior protective security officer appointed in respect of that building acting in aid of the officer if the person is in that building or in those precincts, to detain that person, using such force as is necessary for the purpose, until the person can be surrendered to a police officer for investigation of the offence according to law.

Police officer authorised to exercise certain powers

25. A police officer may in respect of any building exercise a power conferred on a senior protective security officer by section 20, 21, 22 or 23 and in relation to the exercise thereof by a police officer, section 20, 21 or 22 shall be construed as if the words ‘the building in respect of which the officer is appointed’ were ‘a building’.

Powers of arrest by police officers

26. Where an offence by a person against this Act consists in a refusal or failure to state the person’s true name and address in response to a demand made by a police officer pursuant to this Act or where in respect of any other offence by a person against this Act the police officer investigating the offence believes on reasonable grounds that proceedings against that person by summons would not be effective the alleged offender may be arrested without warrant upon a charge of the offence in question and taken before a justice to be dealt with according to law.

Recording offender’s particulars

27.(1) Where a person has been arrested upon a charge of an offence against this Act the officer in charge of police at the police establishment to which the person is taken after arrest or where the person is in custody may take or cause to be taken all such particulars as the officer considers necessary for identification of the person, including the person’s voice print, photograph, fingerprints, palm prints, footprints, toe prints and handwriting.

(1A) Such force as is necessary may be used in the taking of those particulars.

(2) Where a person arrested upon a charge of an offence against this Act is not proceeded against or is found not guilty of that offence any voice print, photograph, fingerprints, palm prints, footprints, toe prints or specimens of handwriting taken from the person pursuant to this section consequent upon the person’s arrest shall automatically be destroyed unless—

- (a) the person has been arrested upon a charge of any other offence, which charge is then pending; or

- (b) the person has been convicted of any other offence with which the person was charged upon arrest; or
- (c) those particulars are required as evidence in respect of a charge of any other offence alleged to have been committed by that person.

Prescribed powers additional to other powers

28. The powers and authorities conferred by this Act are in addition to and shall not be held to prejudice any other powers and authorities had—

- (a) by any person exercising judicial functions or constituting any tribunal in relation to the presence of persons or the conduct of persons or proceedings in a building used as a court or by such tribunal or in the precincts thereof; or
- (b) by any person in relation to the presence or conduct of persons in a building within which the officer is entitled to exercise control or in the precincts thereof.

Offence to assault or resist officer

29. A person who assaults, or resists in the execution of an officer's duty, any member of the protective security service commits an offence against this Act.

Maximum penalty—\$500 or 6 months imprisonment.

PART 4—MISCELLANEOUS PROVISIONS

Officer to surrender equipment

30.(1) Upon a person ceasing to be a member of the protective security service the person shall surrender—

- (a) any identity card issued to the person; and
- (b) any firearm or other weapon issued to the person; and

(c) any other prescribed thing issued to the person;
to the Administrator.

(2) A justice of the peace may, upon the complaint of the Administrator, issue a warrant authorising the person named therein or a member of a class of person specified therein to search for and seize on behalf of the Administrator anything specified in subsection (1) that has not been surrendered as prescribed and for that purpose to enter upon any premises or place in which the thing sought is likely to be and to break open any receptacle found therein that is capable of holding the thing sought.

Exclusion of liability

31. Neither the Crown nor any person shall incur any liability on account of anything done in good faith and without negligence pursuant to or for the purposes of this Act.

Offence provision and proceedings therefor

32.(1) A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and is liable, where a penalty is not expressly prescribed, to a penalty not exceeding \$200.

(2) Proceedings in respect of offences against this Act shall be taken in a summary way under the *Justices Act 1886*.

Regulations

33. The Governor in Council may make regulations, whether general or to meet particular cases, with respect to—

- (a) the functions and duties of members of the protective security service;
- (b) the manner in which powers, functions and duties of members of the protective security service are to be exercised or discharged;
- (c) regulating the presence and conduct of persons within buildings or the precincts thereof;
- (d) the definition of the boundaries of any particular building or

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buildings or of the precincts thereof;

- (e) all matters required or permitted by this Act to be prescribed where no other means of prescription are provided for;
- (f) all matters that in the Governor in Council's opinion are necessary or convenient for the administration of this Act or to achieve the objects and purposes of this Act.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 22 February 1994. Future amendments of the Law Courts and State Buildings Protective Security Act 1983 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

3 List of legislation

Law Courts and State Buildings Protective Security Act 1983 No. 22

date of assent 19 April 1983

ss 1–2 commenced on date of assent

remaining provisions commenced 30 July 1984 (proc pubd Gaz 28 July 1984 p 1871)

as amended by—

Public Service Management and Employment Act 1988 No. 52 s 44 Sch 3

date of assent 12 May 1988

commenced 18 July 1988 (proc pubd Gaz 16 July 1988 p 2876)

Law Courts and State Buildings Protective Security Act Amendment Act 1989 No. 80

date of assent 18 September 1989

commenced on date of assent

Public Service (Administrative Arrangements) Act 1990 No. 73 s 3 Sch 1

date of assent 10 October 1990

commenced 24 November 1990 (proc pubd Gaz 24 November 1990 p 1450)

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**Law Courts and State Buildings Protective Security Amendment Act 1993
No. 17**

date of assent 28 May 1993
commenced on date of assent

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Arrangement

s 3 om (see s 36 RA)

Interpretation

s 4 def **“department”** ins 1988 No. 52 s 44 Sch 3
om 1993 No. 17 s 3
def **“Minister”** sub 1990 No. 73 s 3 Sch 1
om 1993 No. 17 s 3

Appointment of protective security officers

s 7 amd 1988 No. 52 s 44 Sch 3

Appointment of senior protective security officers

s 10 amd 1988 No. 52 s 44 Sch 3; 1989 No. 80 s 2

Public Service Act applicable to appointments

s 11 amd 1989 No. 80 s 3

Discipline of protective security service

s 17 amd 1988 No. 52 s 44 Sch 3
om 1993 No. 17 s 4

5 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under section 43 of the Reprints Act 1992

Original	Renumbered as
2(2) (2nd sentence)	2(3)
6 (1st sentence)	6(1)
6 (2nd sentence)	6(2)
9(2) (1st unnum para)	9(2)(a)
9(2) (2nd unnum para)	9(2)(b)
10(3) (2nd sentence)	10(4)
11 (1st sentence)	11(1)
11 (2nd sentence)	11(2)
12 (1st unnum para)	12(a)
12 (2nd unnum para)	12(b)
12 (3rd unnum para)	12(c)
15 (1st sentence)	15(1)
15 (2nd sentence)	15(2)
27(1) (2nd sentence)	27(1A)
30(1) (1st unnum para)	30(1)(a)
30(1) (2nd unnum para)	30(1)(b)
30(1) (3rd unnum para)	30(1)(c)