

Queensland



STATE BUILDINGS PROTECTIVE SECURITY ACT 1983

**Reprinted as in force on 1 July 1998
(includes amendments up to Act No. 8 of 1998)**

Reprint No. 2

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Information about this reprint

This Act is reprinted as at 1 July 1998. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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**STATE BUILDINGS PROTECTIVE
SECURITY ACT 1983**

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STATE BUILDINGS PROTECTIVE SECURITY ACT 1983

[as amended by all amendments that commenced on or before 1 July 1998]

An Act to provide for the security of state buildings and other buildings

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *State Buildings Protective Security Act 1983*.

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.

Definitions

3. In this Act—

“**administrator**” means the person appointed under section 6 to administer the protective security service.

“**belongings**”, of an entrant, see section 4A.

“**commissioner**” means the commissioner of the police service for the time

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being appointed under the *Police Service Administration Act 1990*.

“convicted” includes being found guilty by a court on a plea of guilty or otherwise, even though a conviction is not recorded.

“electronic screening”, of an entrant or an entrant’s belongings, means using an electronic screening device, mentioned in section 21(1)(b), in relation to the entrant or belongings.

“entrant” means a person in, or about to enter, a state building.

“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 *Weapons Act 1990*.

“noxious or offensive substance” means a thing made or adapted, or intended for use by the person possessing the thing, for 1 or more of the following purposes—

- (a) assaulting someone else, other than for causing injury to or for incapacitating the other person;
- (b) damaging property;
- (c) disrupting business conducted by the State, or a non-commercial authority of the State, in a state building, including, for example, interrupting court proceedings.

Examples of noxious or offensive substances—

Blood or paint in a plastic or paper wrapping intended to burst on impact when thrown at someone else or a solid object.

“offensive weapon” means anything 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.

“outer garment” includes a cloak, coat and jacket.

“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

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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.

“proscribed matter” means—

- (a) an explosive substance; or
- (b) a firearm; or
- (c) a noxious or offensive substance; or
- (d) an offensive weapon.

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

“security of a state building” includes—

- (a) the safety of entrants to the building; and
- (b) the safety of things in, or about to be brought into, the building.

“security officer” means—

- (a) a person appointed under section 7 as a senior protective security officer (in training) or a protective security officer; or
- (b) a person appointed under section 10 as a senior protective security officer.

“state building” see section 4.

“vehicle” includes a boat, caravan, trailer and wheelchair.

Meaning of “state building”

4.(1) A “state building” means—

- (a) if the building is not occupied—a building, or part of a building, owned by the State or a non-commercial authority of the State; or
- (b) in any other case—a building, or part of a building, occupied by the State or a non-commercial authority of the State.

Example of paragraph (b)—

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A building leased by the State and used for a court of record of the State.

(2) A “**state building**” includes the precincts of the building.

(3) If a state building is constituted by only part of a building, a reference to a state building, or to a state building and its precincts, includes the areas of the building the State or a non-commercial authority of the State may lawfully use together with other owners or occupiers of the building.

(4) Also, a “**state building**” includes a building and its precincts, or part of a building and its precincts, declared under a regulation to be a state building.

(5) However, a regulation may only declare a building and its precincts, or part of a building and its precincts, to be a state building if—

- (a) the building or part is to be used for an activity with which the State is directly concerned; and
- (b) the regulation provides for its expiry at a stated time.

Example of subsection (5)—

If the leader of another country is to visit 1 of Queensland’s privately owned resorts and the State has or shares responsibility for the security of the leader, the part of the resort occupied by the leader may be declared a state building for the stated time of the leader’s stay at the resort.

(6) In this section—

“**non-commercial authority of the State**” means an authority of the State that is non-commercial within the meaning of the *Trade Practices Act 1974* (Cwlth), section 2C.¹

Meaning of “belongings”

4A. The following things are “**belongings**” of an entrant even if the entrant does not own, or have a right to use, the things—

- (a) an article worn by the entrant;

¹ Under the *Trade Practices Act 1974* (Cwlth), section 2C (Activities that are not business), an authority of a State is “non-commercial” if—

- (a) it is constituted by only one person; and
- (b) it is neither a trading corporation or a financial corporation.

- (b) an article carried by the entrant, including, for example, an article in the pockets of the entrant's clothing;
- (c) an article pushed or pulled by the entrant;
- (d) a vehicle driven by the entrant or another vehicle towed by a vehicle driven by the entrant;
- (e) the contents of an article or vehicle mentioned in paragraphs (a) to (d).

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.

(3) The primary purpose of the service is to provide services for the security of state buildings.

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. 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.

Identity cards for security officers

10A.(1) The administrator must issue an identity card to each security officer.

(2) The identity card must—

- (a) state the security officer's name; and
- (b) contain a photograph, and the signature, of the security officer; and
- (c) identify the person the subject of the identity card as a senior protective security officer, senior protective security officer (in training) or a protective security officer.

(3) A person who ceases to be a security officer must return the person's identity card to the administrator as soon as practicable after ceasing to be a security officer.

Maximum penalty—10 penalty units.

(4) Subsection (3) does not apply to a person if the person has a reasonable excuse for not complying with it.

Security officers to be in uniform except in limited circumstances

10B.(1) A security officer (other than a senior protective security officer), who is not wearing the uniform decided for the officer under a regulation,

may not exercise a power under part 3, divisions 1 and 2, in relation to a person.

(2) A senior protective security officer, who is not wearing the uniform decided for the officer under a regulation, may exercise a power in relation to a person only if the officer first produces the officer's identity card for inspection by the person.

(3) If, for any reason, it is not practicable to comply with subsection (2) before exercising the power, the senior protective security officer must comply with the subsection at the first reasonable opportunity.

Security officer to give notice of damage

10C.(1) A security officer who, in the exercise of a power under section 21A or 21B,² damages an entrant's belongings must immediately give written notice of the particulars of the damage to the entrant.

(2) If, for any reason, it is not practicable to give the notice to the entrant, the security officer must—

- (a) leave the notice on the damaged belongings; and
- (b) ensure the notice is left—
 - (i) in a reasonably secure way; and
 - (ii) in a conspicuous position.

Compensation

10D.(1) An entrant may claim compensation from the State for damage to the entrant's belongings if the entrant incurs a loss or expense because of the exercise or purported exercise of a power under section 21A or 21B.

² Under section 21A(1) a security officer may ask an entrant to remove an outer garment or do other things to assist an officer to carry out a search of the entrant's belongings. Under section 21A(3), if a senior protective security officer is satisfied on reasonable grounds the entrant has failed to comply with a request under section 21A(1), the officer may direct the entrant to do the things to assist the conduct of the search. After giving a direction under section 21A(3), the senior protective security officer may inspect the entrant's belongings under section 21B.

(2) A payment for compensation may be claimed and ordered in a proceeding brought in a court of competent jurisdiction for the recovery of compensation.

(3) A court may order the payment for compensation for the loss or expense only if it is just to make the order in the circumstances of the particular case.

(4) This section applies despite section 31.³

(5) In this section—

“**entrant**” includes a person who was an entrant of a state building at the time the person’s belongings were damaged or allegedly damaged.

Officers employed under Public Service Act

11. Senior protective security officers, senior protective security officers (in training), and protective security officers are to be employed under the *Public Service Act 1996*.

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.

³ Section 31 (Exclusion of liability)

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 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 in state buildings or against the properties of Her Majesty or the persons 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;

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 AND POWERS OF OFFICERS

Division 1—Functions

Functions of security officers

18.(1) The primary function of security officers is to carry into effect the systems formulated for the security of state buildings, including, for example, the systems for the entry of vehicles into state buildings and the parking of the vehicles.

(2) Also, the functions may include providing services, on a commercial basis, for a building (other than a state building) under a contract the State has entered into for providing the services.

(3) However, if the protective security service is providing a service for a building (other than a state building), security officers may not exercise a power under this part in relation to the building.

(4) The functions of security officers may include the following—

- (a) another function given to security officers under another Act;
- (b) the exercise of a power delegated to security officers under another Act, including, for example, the exercise of a power delegated under the *Corrective Services Act 1988*, section 117.⁴

Division 2—Powers of senior protective security officers

Powers only to be exercised by senior protective security officers

18A. The powers under this division may only be exercised by a senior

⁴ Section 117 (Proper officer may delegate)

protective security officer unless a provision expressly provides that another security officer or person may exercise the power.

Powers of senior protective security officer

19. Every person who holds an appointment as a senior protective security officer shall have and may exercise in relation to a state building all the powers and authorities of a police officer, except the power of arrest, and in relation to the exercise of those powers and authorities shall have all the immunities of a police officer.

Authority to demand identification

20.(1) A senior protective security officer may, subject to the regulations, demand of a person in or about to enter a state building—

- (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, or about to enter, the state building.

(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—10 penalty units.

State buildings with electronic screening devices and use of the devices

21.(1) This section applies if the systems for the security of a state building involve—

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- (a) the presence of a security officer in the building; and
- (b) the use of 1 or more of the following electronic screening devices—
 - (i) a device through which an entrant walks, that detects metal or other substances (a “**walk-through detector**”);
 - (ii) a device through which an entrant’s belongings are passed and X-rayed (an “**X-ray machine**”);
 - (iii) a device, held by a security officer and passed over or around an entrant or an entrant’s belongings, that detects metal or other substances (a “**hand held scanner**”).

(2) A security officer may ask an entrant of the building to do 1 or more of the following—

- (a) to walk through a walk-through detector;
- (b) to pass the entrant’s belongings through an X-ray machine;
- (c) to allow the officer to pass a hand held scanner in close proximity to the entrant;
- (d) to allow the officer to pass a hand held scanner in close proximity to the entrant’s belongings.

(3) A senior protective security officer may direct an entrant of whom a request has been made under subsection (2) to do 1 or more of the things mentioned in the subsection if the senior protective security officer is satisfied on reasonable grounds that the entrant failed to comply with the request.

Security officer may ask entrant to remove outer garment etc.

21A.(1) This section applies if—

- (a) a security officer reasonably considers it necessary to make a request under subsection (2) in relation to an entrant or an entrant’s belongings, whether or not the entrant or belongings have been subjected to electronic screening; and
- (b) the security officer tells the entrant about the grounds for making the request.

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(2) The security officer may ask the entrant to do 1 or more of the following—

- (a) allow the officer to inspect the entrant's belongings;
- (b) remove 1 or more outer garments worn by the entrant as specified by the officer;
- (c) remove all articles from the pockets of the entrant's clothing;
- (d) open an article for inspection;
- (e) open a vehicle or a part of it for inspection;
- (f) remove an article from the vehicle as specified by the officer;
- (g) for a belonging of an entrant—
 - (i) if the belonging is a vehicle—park it in a place specified by the officer; or
 - (ii) if the security officer reasonably believes the belonging to be capable of concealing a proscribed matter—deposit the belonging in a place specified by the officer.

(3) A senior protective security officer may direct an entrant of whom a request has been made under subsection (2) to do 1 or more of the things mentioned in the subsection if the senior protective security officer is satisfied on reasonable grounds that the entrant failed to comply with the request.

Examination of entrant and outer garments and other matters

21B.(1) This section applies if a senior protective security officer gives a direction to an entrant under section 21A(3).⁵

⁵ Under division 3 limitations apply to the exercise of certain powers under division 2. For example, section 21F(2) states—

'(2) The entrant may tell the officer—

- (a) the entrant does not want the power exercised in relation to the entrant's person or belongings and is prepared to leave the state building immediately and take the belongings; or
- (b) if the officer has started to exercise the power—the entrant does not want the power exercised further and is prepared to leave the state building immediately and take the belongings.'

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(2) The senior protective security officer may do 1 or more of the following⁶—

- (a) examine an outer garment removed by the entrant;
- (b) touch the garments worn by the entrant to the extent reasonably necessary to detect articles carried by the entrant;⁷
- (c) remove and inspect a detected article;
- (d) inspect a vehicle or a part of it;
- (e) inspect an article in a vehicle or an article removed from it by the entrant;
- (f) remove an article from a vehicle and inspect the article.

(3) In this section—

“**inspect**”, an article, includes open the article and examine its contents.

Examination by person of same sex

21C.(1) A senior protective security officer may, under section 21B(2)(b), touch the garments worn by an entrant only if the officer is the same sex as the entrant.

(2) If the senior protective security officer is not the same sex as the entrant—

- (a) the officer may arrange for another security officer of the same sex as the entrant or, if no other security officer is available, an adult person of the same sex as the entrant, to exercise the power at the direction of the senior protective security officer; and
- (b) the other security officer or person may exercise the power.

⁶ Under division 3 limitations apply to the exercise of certain powers under division 2—see section 21G.

⁷ Under section 21C a senior protective security officer may exercise a power under section 21B only if the officer is the same sex as the entrant. Also, under division 3, limitations apply to the exercise of certain powers under division 2—see section 21I.

Direction by senior protective security officer to leave building

21D.(1) A senior protective security officer may direct an entrant to leave a state building immediately, and to take the entrant's belongings out of the building, if the entrant fails—

- (a) to comply with a demand under section 20, or a direction under section 21(3) or 21A(3);⁸ or
- (b) to permit the officer to exercise a power under section 21B.⁹

(2) A senior protective security officer may give a direction under subsection (1) only if the officer is satisfied, on reasonable grounds, it is necessary to give the direction for the security of the building.

(3) The entrant must comply with the direction unless the entrant has a reasonable excuse for not complying with it.

Maximum penalty for subsection (3)—20 penalty units.

Security officer to return entrant's deposited belongings

21E. If an entrant deposits any belongings with a security officer under section 21A(2)(g),¹⁰ the officer must ensure the belongings are returned to the entrant if—

- (a) the entrant asks for their return; and
- (b) the officer is satisfied, on reasonable grounds, that the entrant is about to leave the building.

⁸ Section 20 (Authority to demand identification), section 21 (State buildings with electronic screening devices and use of the devices) and section 21A (Security officer may ask entrant to remove outer garment etc.)

⁹ Section 21B (Examination of entrant and outer garments and other matters)

¹⁰ Under section 21A, a security officer may ask an entrant to deposit certain belongings at a place specified by the officer.

Division 3—Limitation on exercise of certain powers under div 2**Entrant to be told about refusing to be examined or asking for examination to stop**

21F.(1) Before a senior protective security officer begins to exercise a power under section 21A(3) or 21B,¹¹ the officer must inform the entrant of the entrant's rights under subsection (2).

(2) The entrant may tell the officer—

- (a) the entrant does not want the power exercised in relation to the entrant's person or belongings and is prepared to leave the state building immediately and take the belongings; or
- (b) if the officer has started to exercise the power—the entrant does not want the power exercised further and is prepared to leave the state building immediately and take the belongings.

Power to examine must not be exercised in certain circumstances

21G. A senior protective security officer must not exercise a power under section 21A(3) or 21B¹² if the entrant—

- (a) tells the officer—
 - (i) the entrant does not want the power exercised in relation to the entrant's person or belongings and is prepared to leave the state building immediately and take the belongings; or
 - (ii) if the officer has started to exercise the power—the entrant does not want the power exercised further and is prepared to leave the state building immediately and take the belongings; and
- (b) leaves the state building immediately with the belongings.

¹¹ Section 21A (Security officer may ask entrant to remove outer garment etc.) and section 21B (Examination of entrant and outer garments and other matters)

¹² Section 21A (Security officer may ask entrant to remove outer garment etc.) and section 21B (Examination of entrant and outer garments and other matters)

Various limits on security officer examining outer garment

21H. A senior protective security officer may direct an entrant to remove an outer garment¹³ only if the officer—

- (a) considers on reasonable grounds the entrant is wearing an outer garment and a proper examination of the entrant and garment can not be carried out unless the outer garment is removed; and
- (b) specifies the outer garment to be removed; and
- (c) tells the entrant that the entrant has the right to ask for the examination of the outer garment to be carried out in an area or place in the building that is, if practicable, out of view of members of the general public; and
- (d) tells the entrant that even if the entrant removes the outer garment specified by the officer and allows the officer to examine the outer garment, the entrant may or may not be examined further.

Limits on touching garments worn by entrant

21I.(1) A senior protective security officer (or a person acting at the direction of a senior protective security officer) may touch garments while they are worn by the entrant only if the officer—

- (a) tells the entrant that the entrant has the right to request the examination be carried out in an area or place in the building that is, if practicable, out of view of members of the general public and that the officer considers, on reasonable grounds, provides suitable personal privacy to the entrant during the examination; and
- (b) takes the entrant to the area or place, if the entrant requests the officer to do so.

(2) A senior protective security officer (or a person acting at the direction of a senior protective security officer) must touch garments while they are

¹³ Under section 21A(3), a senior protective security officer may direct an entrant to remove 1 or more outer garments worn by the entrant as specified by the senior protective security officer.

worn by the entrant in a way that preserves the entrant's dignity to the greatest extent practicable.¹⁴

Warning to comply with demand or direction

21J.(1) This section applies if a senior protective security officer intends—

- (a) to make a demand, under section 20, of an entrant; or
- (b) to direct an entrant, under section 21D, to leave a state building.¹⁵

(2) Before making the demand or giving the direction, the senior protective security officer must warn the entrant it is an offence against this Act to fail to comply with the demand or direction.

Division 4—Other miscellaneous powers and provisions

Seizure of firearms etc.

22.(1) A senior protective security officer may seize and detain a proscribed matter found in the possession of a person in the building, except where that person is lawfully in possession of it in the course of the person's trade, business or calling.

(2) A proscribed matter seized under subsection (1) may be disposed of under the *Weapons Act 1990*, section 154 as if it were a weapon or other thing held by or in the custody of a police officer.

Refusal of entry to and removal from building

23. If a person fails to comply with a demand under section 20, or a direction under section 21(3) or 21A(3), by a senior protective security

¹⁴ Under section 21B(2)(b), a senior protective security officer may touch garments worn by an entrant to the extent reasonably necessary to detect articles carried by the entrant. Also, under section 21C the search may be carried out only by a person of the same sex as the entrant.

¹⁵ Sections 20 (Authority to demand identification) and 21D (Direction by senior protective security officer to leave building)

officer, or fails to satisfy a senior protective security officer that the person has a good and lawful reason to be in a particular state building then—

- (a) if the person is in the state building—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 state building, using such force as is necessary for the purpose; or
- (b) if the person is about to enter the state building—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 state building, using such force as is necessary for the purpose.

Authority to detain offenders and suspects

24.(1) If a senior protective security officer—

- (a) suspects on reasonable grounds that a person has committed an offence against this Act in a state building; 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 a state building;

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

(2) As soon as practicable after a senior protective security officer detains the person, the senior protective security officer must surrender the person to a police officer.

Police officer authorised to exercise certain powers

25.(1) A police officer may exercise a power conferred on a senior protective security officer by sections 20 to 23.

(2) For exercising the powers, a reference in those sections to a senior protective security officer is taken to be a reference to the police officer.

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 state building.

Offence to assault or resist officer

29. A person must not assault or resist a security officer in the course of the officer performing the officer's duties under this Act.

Maximum penalty—10 penalty units or imprisonment for 6 months.

PART 4—MISCELLANEOUS PROVISIONS

Security services provided by other than the protective security service

29A.(1) Nothing in this Act prevents the State entering into a contract with a security firm licensed under the *Security Providers Act 1993* for the supply of security services.

(2) However, the employees of the security firm may not under this Act exercise a power conferred on a security officer under this Act.

(3) This section is to remove doubt.

Officer to surrender equipment

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

- (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 4 penalty units.

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

Regulation-making power

33.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made about the following—

- (a) the functions and powers of members of the protective security service;
- (b) the manner in which functions and powers of members of the protective security service are to be exercised or discharged;
- (c) regulating the presence and conduct of persons within state buildings.

PART 5—TRANSITIONAL PROVISIONS

References to Law Courts and State Buildings Protective Security Act 1983

34. A reference in an Act, subordinate legislation, instrument or other document to the *Law Courts and State Buildings Protective Security Act 1983* is to be read as a reference to the *State Buildings Protective Security Act 1983*.

Persons holding appointment as senior protective security officers before commencement

35.(1) This section applies to a person who, immediately before the commencement of this section, held an appointment as a senior protective security officer.

(2) The person is taken to be appointed as a senior protective security officer under this Act.

(3) This section expires 1 year after its commencement.

Re-swearing of senior protective security officers

36.(1) A senior protective security officer to whom section 35 applies must take an oath for the appointment as soon as possible after the commencement of this section.

(2) The oath is taken to be—

- (a)** made on the date of commencement of this section; and
- (b)** an oath mentioned in section 16,¹⁶ as required under section 14.¹⁷

(3) This section expires 1 year after its commencement.

¹⁶ Section 16 (Taking of oath deemed to make agreement)

¹⁷ Section 14 (Oath of senior protective security officer)

New identity cards for security officers

37.(1) This section applies if, before the commencement of this section, the administrator issued an identity card to a security officer who was a security officer immediately before the commencement.

(2) The administrator must issue a new identity card to the security officer as soon as practicable after the commencement.

(3) This section expires 1 year after its commencement.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 1998. Future amendments of the State Buildings Protective Security Act 1983 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 17 of 1993	22 February 1994
1A	to Act No. 58 of 1995	24 July 1996
1B	to Act No. 41 of 1996	14 February 1997
1C	to Act No. 8 of 1998	19 May 1998

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Renumbered provisions	1

6 List of legislation

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

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)

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

date of assent 28 May 1993
 commenced on date of assent

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 2

date of assent 1 December 1994
 commenced on date of assent

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Weapons Amendment Act 1996 No. 41 pt 1, s 39 sch 2

date of assent 7 November 1996
 ss 1–2 commenced on date of assent
 remaining provisions commenced 15 January 1997 (1996 SL No. 400)

Law Courts and State Buildings Protective Security Amendment Act 1998 No. 8 pts 1–2, s 3 sch

date of assent 12 March 1998
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 1998 (1998 SL No. 108)

7 List of annotations

Title sub 1998 No. 8 s 4

Short title

s 1 amd 1998 No. 8 s 5

Definitions

prov hdg sub 1995 No. 58 s 4 sch 1

s 3 prev s 3 om R1 (see RA s 36)

pres s 3 (prev s 4) renum 1998 No. 8 s 6(3)

def “**administrator**” sub 1998 No. 8 s 6(1)–(2)

def “**belongings**” ins 1998 No. 8 s 6(2)

def “**building**” amd 1995 No. 58 s 4 sch 1

om 1998 No. 8 s 6(1)

def “**convicted**” ins 1998 No. 8 s 6(2)

def “**department**” ins 1988 No. 52 s 44 sch 3

om 1993 No. 17 s 3

def “**electronic screening**” ins 1998 No. 8 s 6(2)
 def “**entrant**” ins 1998 No. 8 s 6(2)
 def “**firearm**” sub 1994 No. 87 s 3 sch 2
 amd 1995 No. 58 s 4 sch 1
 def “**Minister**” sub 1990 No. 73 s 3 sch 1
 om 1993 No. 17 s 3
 def “**noxious or offensive substance**” ins 1998 No. 8 s 6(2)
 def “**outer garment**” ins 1998 No. 8 s 6(2)
 def “**proscribed matter**” ins 1998 No. 8 s 6(2)
 def “**security of a state building**” ins 1998 No. 8 s 6(2)
 def “**security officer**” ins 1998 No. 8 s 6(2)
 def “**state building**” ins 1998 No. 8 s 6(2)
 def “**vehicle**” ins 1998 No. 8 s 6(2)

Meaning of “state building”

s 4 ins 1998 No. 8 s 7

Meaning of “belongings”

s 4A ins 1998 No. 8 s 7

Establishment of protective security service

s 5 amd 1998 No. 8 s 8

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; 1998 No. 8 s 9

Identity cards for security officers

s 10A ins 1998 No. 8 s 10

Security officers to be in uniform except in limited circumstances

s 10B ins 1998 No. 8 s 10

Security officer to give notice of damage

s 10C ins 1998 No. 8 s 10

Compensation

s 10D ins 1998 No. 8 s 10

Officers employed under Public Service Act

s 11 amd 1989 No. 80 s 3
 sub 1996 No. 37 s 147 sch 2

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

s 12 om 1996 No. 37 s 147 sch 2

Oath of senior protective security officer

s 14 amd 1998 No. 8 s 3 sch

Taking of oath deemed to make agreement

s 16 amd 1998 No. 8 s 3 sch

Discipline of protective security service

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

PART 3—FUNCTIONS AND POWERS OF OFFICERS

pt hdg amd 1998 No. 8 s 3 sch

Division 1—Functions

div hdg ins 1998 No. 8 s 11

Functions of security officers

s 18 sub 1998 No. 8 s 11

Division 2—Powers of senior protective security officers

div hdg ins 1998 No. 8 s 11

Powers only to be exercised by senior protective security officers

s 18A ins 1998 No. 8 s 11

Powers of senior protective security officer

s 19 amd 1994 No. 87 s 3 sch 2; 1995 No. 57 s 4 sch 1; 1998 No. 8 s 12

Authority to demand identification

s 20 amd 1995 No. 58 s 4 sch 1; 1998 No. 8 s 3 sch

State buildings with electronic screening devices and use of the devices

s 21 amd 1995 No. 58 s 4 sch 1
sub 1998 No. 8 s 13

Security officer may ask entrant to remove outer garment etc.

s 21A ins 1998 No. 8 s 13

Examination of entrant and outer garments and other matters

s 21B ins 1998 No. 8 s 13

Examination by person of same sex

s 21C ins 1998 No. 8 s 13

Direction by senior protective security officer to leave building

s 21D ins 1998 No. 8 s 13

Security officer to return entrant's deposited belongings

s 21E ins 1998 No. 8 s 13

Division 3—Limitation on exercise of certain powers under div 2

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Entrant to be told about refusing to be examined or asking for examination to stop

s 21F ins 1998 No. 8 s 13

Power to examine must not be exercised in certain circumstances

s 21G ins 1998 No. 8 s 13

Various limits on security officer examining outer garment

s 21H ins 1998 No. 8 s 13

Limits on touching garments worn by entrant

s 21I ins 1998 No. 8 s 13

Warning to comply with demand or direction

s 21J ins 1998 No. 8 s 13

Division 4—Other miscellaneous powers and provisions

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Seizure of firearms etc.s 22 amd 1994 No. 87 s 3 sch 2; 1995 No. 58 s 4 sch 1; 1996 No. 41 s 39 sch 2;
1998 No. 8 s 14**Refusal of entry to and removal from building**

s 23 amd 1998 No. 8 s 15

Authority to detain offenders and suspects

s 24 amd 1998 No. 8 s 16

Police officer authorised to exercise certain powers

s 25 sub 1998 No. 8 s 17

Prescribed powers additional to other powers

s 28 amd 1998 No. 8 s 3 sch

Offence to assault or resist officer

s 29 amd 1995 No. 58 s 4 sch 1; 1998 No. 8 s 18

Security services provided by other than the protective security service

s 29A ins 1998 No. 8 s 19

Officer to surrender equipment

s 30 amd 1998 No. 8 s 3 sch

Offence provision and proceedings therefor

s 32 amd 1995 No. 58 s 4 sch 1

Regulation-making power

prov hdg sub 1995 No. 58 s 4 sch 1

s 33 amd 1995 No. 58 s 4 sch 1; 1998 No. 8 s 3 sch

PART 5—TRANSITIONAL PROVISIONS

pt hdg ins 1998 No. 8 s 20

References to Law Courts and State Buildings Protective Security Act 1983

s 34 ins 1998 No. 8 s 20

Persons holding appointment as senior protective security officers before commencement

s 35 ins 1998 No. 8 s 20

exp 1 July 1999 (see s 35(3))**Re-swearing of senior protective security officers**

s 36 ins 1998 No. 8 s 20

exp 1 July 1999 (see s 36(3))

New identity cards for security officers

s 37 ins 1998 No. 8 s 20
exp 1 July 1999 (see s 37(3))