

2010-2011-2012-2013

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Court Security (Consequential
Amendments) Bill 2013**

No. , 2013

(Attorney-General)

**A Bill for an Act to make amendments
consequential on the enactment of the *Court
Security Act 2013*, and for related purposes**

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1 **A Bill for an Act to make amendments**
2 **consequential on the enactment of the *Court***
3 ***Security Act 2013*, and for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Court Security (Consequential*
7 *Amendments) Act 2013*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.

13

Commencement information

| Column 1 | Column 2 | Column 3 |
|-----------------|-----------------|-----------------|
|-----------------|-----------------|-----------------|

| Provision(s) | Commencement | Date/Details |
|---------------------|---------------------|---------------------|
|---------------------|---------------------|---------------------|

| | | |
|---|---|--|
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | |
|---|---|--|

| | | |
|---------------|--|--|
| 2. Schedule 1 | At the same time as section 3 of the <i>Court Security Act 2013</i> commences. | |
|---------------|--|--|

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

3 Schedule(s)

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9 repealed as set out in the applicable items in the Schedule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

Schedule 1—Amendments

Public Order (Protection of Persons and Property) Act 1971

1 At the end of section 12

Add:

- (6) Subsection (2) does not apply in relation to Commonwealth premises being used exclusively in connection with the sittings, or any other operation, of a court as defined in the *Court Security Act 2013*.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6) (see subsection 13.3(3) of the *Criminal Code*).

2 Part IIA (heading)

Omit “federal courts and tribunals”, substitute “investigatory authorities”.

3 Section 13A (definition of *authorised officer*)

Omit “, in relation to a court,”, substitute “for an investigatory authority”.

4 Section 13A (paragraph (b) of the definition of *authorised officer*)

Omit “court” (wherever occurring), substitute “authority”.

5 Section 13A

Insert:

authority premises for an investigatory authority means any premises occupied or used (whether permanently or temporarily or under a lease or otherwise) in connection with the sittings, or any other operations, of the authority.

6 Section 13A (definition of *court*)

Repeal the definition.

7 Section 13A (definition of *court premises*)

Repeal the definition.

1 **8 Section 13A**

2 Insert:

3 *investigatory authority* means a tribunal, authority or person
4 having power under a law of the Commonwealth to require the
5 production of documents or the answering of questions.

6 **9 Section 13AA**

7 Repeal the section.

8 **10 Section 13B**

9 Omit “a court (as defined by section 13A)”, substitute “an investigatory
10 authority”.

11 **11 Subsection 13C(1)**

12 Omit “in relation to a court”, substitute “for an investigatory authority”.

13 **12 Subsection 13C(1)**

14 Omit “court premises”, substitute “authority premises”.

15 **13 Subsection 13D(1)**

16 Omit “in relation to a court”, substitute “for an investigatory authority”.

17 **14 Paragraphs 13D(1)(a) and (b)**

18 Omit “court premises”, substitute “authority premises”.

19 **15 Subsection 13D(3)**

20 Omit “in relation to the court”, substitute “for the investigatory
21 authority”.

22 **16 Section 13E (heading)**

23 Omit “court premises”, substitute “**authority premises**”.

24 **17 Subsection 13E(1)**

25 Omit “in relation to a court”, substitute “for an investigatory authority”.

26 **18 Subsection 13E(1)**

27 Omit “court premises” (wherever occurring), substitute “authority
28 premises”.

1 **19 Subsection 13E(2)**

2 Omit “court premises”, substitute “authority premises”.

3 **20 Subsection 13E(2)**

4 Omit “in the court”, substitute “in public by or before the investigatory
5 authority”.

6 **21 Paragraph 13E(3)(b)**

7 Omit “court premises”, substitute “authority premises”.

8 **22 Subsection 13E(4)**

9 Omit “court premises”, substitute “authority premises where a hearing
10 of proceedings is being held in public by or before the investigatory
11 authority concerned”.

12 **23 Section 13F (heading)**

13 Omit “**court premises**”, substitute “**authority premises**”.

14 **24 Section 13F**

15 Omit “court premises”, substitute “authority premises”.

16 **25 Subsection 13G(1)**

17 Omit “or person in relation to the conduct of proceedings in a court or
18 the regulation of the conduct of people on court premises”, substitute “,
19 tribunal, authority or person in relation to the conduct of proceedings by
20 or before an investigatory authority or the regulation of the conduct of
21 people on authority premises”.

22 **26 Subsection 13G(2)**

23 Omit “a court in relation to contempt of the court or any other similar
24 power”, substitute “an investigatory authority that is like a power of a
25 court in relation to contempt of the court”.