

**From:** Vonni Chapman [redacted] au]

**Sent:** Tuesday, 26 June 2018 9:35 AM

**To:** AMOD

**Cc:** BRIGHT, Zoe

**Subject:** RE: Vary the Correction and Detention (Private Sector) Award 2010 under section 158 of Fair Work Act 2009

Good Morning,

Can you please submit the attached additional literature for the commissioner to have for my listing today. The literature will show that the award will need to reflect payment for the high standard of skill security officers are supplying.

1. Court Security and Custodial Services Act 1999 – Act Court Security are abide by when carrying out our duties in courts. If possible could you please submit the whole Act as I have not got the ability to do so.
2. Section 40 contractor worker providing court security are taken to be an officer of the court; Section 48 – mentions security work is of high-level /risk security work for court security.
3. Schedule 1 of Act – Powers in relation to court security services
4. Court Security and Custodial Services Training Manual for Court Security – what we need to know to carry out our duties.
5. Court Security and Custodial Services – Screening Operating Procedures – Additional knowledge for court security officers only (not custodial officers)

Please advise when all has been submitted.

Thank you.

Kind Regards

Vonni Chapman



Western Australia

## **Court Security and Custodial Services Act 1999**

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As at 19 Apr 2018

Version 04-c0-02  
Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

- (i) reporting procedures to notify the CEO of escapes, deaths of persons in custody or intoxicated detainees and other emergencies or serious irregularities; and
- (j) investigation procedures and dispute resolution mechanisms for complaints about the provision of services under the contract; and
- (k) an indemnity by the contractor in favour of the State of Western Australia; and
- (l) the office the holder of which is to be the principal officer of the contractor and the subcontractors under the relevant contract for the purposes of the *Children and Community Services Act 2004*, the *Corruption, Crime and Misconduct Act 2003*, the *Freedom of Information Act 1992* and the *Parliamentary Commissioner Act 1971*, respectively; and
- (m) any other matter prescribed by regulation.

[Section 38 amended by No. 48 of 2003 s. 62; No. 78 of 2003 s. 74(2); No. 35 of 2014 s. 39; No. 4 of 2015 s. 85(4).]

**39. Minimum standards**

- (1) The CEO must establish minimum standards applicable to the provision of services under a contract and the CEO may, from time to time, amend the minimum standards.
- (2) The Minister is to ensure that the minimum standards, as amended from time to time, are laid before each House of Parliament within 10 sitting days of such House next following the establishment or amendment of the minimum standards.

**40. Contract workers subject to judicial direction**

- (1) A contract worker who provides court security or court custodial services is taken to be an officer of the court.
- (2) A contract worker who provides court security or court custodial services must obey the directions of —
  - (a) the person presiding in a courtroom; and

- (c) the payment of the whole or a part of a penalty under an infringement notice under a law, in any other part of the world, corresponding to a road law as defined in the *Road Traffic (Administration) Act 2008* section 4, in respect of an alleged offence by the contract worker.

[Section 47 amended by No. 8 of 2012 s. 71.]

**48. High-level security work**

- (1) A court security service provided by a contract worker is high-level security work.
- (2) A custodial service is high-level security work if —
- (a) it is of a kind that requires the person providing it to exercise a power set out in Schedule 2 or 3; and
- (b) it is provided by a contract worker.

**49. CEO may declare other kinds of work to be high-level security work**

- (1) The CEO may, in writing, declare as high-level security work —
- (a) a custodial service that requires a contract worker to deal directly with persons in custody or intoxicated detainees except a custodial service referred to in section 48(2); or
- (b) work that requires a contract worker to have access to information about persons in custody or intoxicated detainees; or
- (c) any other work to be done by a contract worker that in the opinion of the CEO should be declared to be high-level security work.
- (2) The CEO may amend a declaration.
- (3) The CEO is to ensure that notice of a declaration or an amendment of a declaration is published in the *Gazette* within 14 days after the day the declaration or amendment occurs.

**cl. 1**

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**\* Schedule 1 — Powers in relation to court security services**

[s. 3, 22, 23, 24, 25, 95, 98 and 100]

**1. Term used: court premises**

In this Schedule —

*court premises* does not include any court custody centre that is part of those premises.

**2. Power to identify persons at court premises**

(1) The power to ask a person who is about to enter, or who is already within, court premises —

- (a) for the person's name, address and date of birth; and
- (b) for the person's reason for wishing to enter, or being within, the court premises; and
- (c) to produce evidence of the person's identity,

if the authorised person believes on reasonable grounds that —

- (d) the person is behaving, or is about to behave, in a disorderly manner at the court premises; or
- (e) the person has committed, or is about to commit, an offence at the court premises; or
- (f) the person wishes to enter, or remain in, the court premises for an inappropriate purpose.

(2) A person must not, in response to a request under subclause (1) —

- (a) fail or refuse to provide the requested information; or
- (b) give information that is false or misleading in a material particular; or
- (c) provide any false evidence of identity.

Penalty: \$1 000.

**3. Power to deal with disorderly or suspicious persons at court premises**

- (1) The power to prevent a person from entering court premises if the person —
  - (a) is behaving in a disorderly manner at or in the immediate vicinity of the court premises; or
  - (b) does not satisfy the authorised person that he or she has a proper reason for wishing to enter the court premises.
- (2) The power to ask a person to leave court premises and, if the person refuses to leave the court premises, to remove the person from the court premises, if the person —
  - (a) is behaving in a disorderly manner at the court premises; or
  - (b) does not satisfy the authorised person that he or she has a proper reason for being at the court premises.
- (3) A person —
  - (a) must not behave in a disorderly manner at court premises; and
  - (b) must comply with a request under subclause (2).

Penalty: \$1 000.

**4. Power to search persons and their possessions at court premises**

- (1) The power to ask a person who is about to enter, or who is already within, court premises —
  - (a) to allow a search to be made of his or her person; and
  - (b) to allow a search to be made of any thing in the person's possession,

for any property that the authorised person believes on reasonable grounds is likely to adversely affect the security, good order or management of the court premises.

- (2) Regulations may prescribe persons or members of classes of persons who are not to be searched under subclause (1).

**cl. 4**

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- (3) A search under subclause (1) —
- (a) may be conducted by one or more of the following means —
    - (i) by using an electronic or other device that is designed to locate property that is a subject of the search; or
    - (ii) by visual inspection; or
    - (iii) by frisk search;and
  - (b) must be conducted expeditiously and with regard to decency and self-respect.
- (4) For the purpose of conducting a search under subclause (1) the authorised person may require the person to be searched to remove —
- (a) an outer garment, but only if other outer clothing is worn underneath; and
  - (b) gloves, headwear or footwear.
- (5) A search under subclause (1) of a person apparently 10 or more years of age that involves the removal of clothing —
- (a) is not to be conducted unless the person to be searched has first been asked whether the person has with him or her any property that is likely to adversely affect the security, good order or management of the court premises and the person has been given the opportunity to produce the property; and
  - (b) is not to be conducted unless the person to be searched has been given the opportunity to have the search conducted in private and, if the person so chooses, the search is conducted in private; and
  - (c) is to be conducted, where practicable, by an authorised person of the same sex as the person searched; and
  - (d) is to be conducted, where practicable, in the presence of only persons of the same sex as the person searched; and
  - (e) is to be conducted in the presence of not more than 2 authorised persons.
- (6) A search under subclause (1) of a child apparently under 10 years of age that involves the removal of clothing is to be conducted —
- (a) by a female authorised person; and

- (b) in the presence of the person accompanying the child unless that person refuses to be present; and
- (c) otherwise in the presence only of female persons.

(7) A person must comply with a request made under subclause (1).  
Penalty: \$1 000.

**5. Power to require property to be deposited at court premises**

- (1) The power to ask a person who is about to enter, or who is already within, court premises to deposit for safekeeping for the duration of the person's presence within the court premises —
- (a) any property that the authorised person believes on reasonable grounds is likely to adversely affect the security, good order or management of the court premises; or
  - (b) any thing in the person's possession that is reasonably capable of concealing such property.

(2) A person must comply with a request under subclause (1).  
Penalty: \$1 000.

**6. Further powers to refuse entry to, or remove persons from, court premises**

The power —

- (a) to prevent a person from entering court premises; and
- (b) to ask a person to leave court premises and, if the person refuses to leave the court premises, to remove the person from the court premises,

if —

- (c) the authorised person is not satisfied on reasonable grounds as to the person's identity; or
- (d) the person does not comply with a request under clause 4(1) to allow a search of his or her person or a thing in the person's possession; or
- (e) the person does not comply with a request under clause 5(1) to deposit property; or



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- (f) in the case of a courtroom, the person presiding has ordered that proceedings in the courtroom be conducted in private.

**7. Power to seize property from persons visiting court premises**

- (1) The power to seize, without warrant, from a person who is about to enter, or who is already within, court premises any property that the authorised person believes on reasonable grounds is relevant to the commission of an offence under this Act.
- (2) An authorised person who seizes property under subclause (1) —
  - (a) must deliver the property to a member of the Police Force to be dealt with according to law; and
  - (b) subject to section 95 of this Act and to section 6(2) of the *Weapons Act 1999*, has lawful possession of the item during the period referred to in paragraph (a).

Court Security and Custodial Services  
Western Australia

# Screening Operations

## Standard Operating Procedures

Version 2: Issued February 2017

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