



Western Australia

Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1981 2

**Diamond (Ashton Joint Venture) Security
Regulations 1982**

Diamond (Ashton Joint Venture) Security Regulations 1982

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Defined terms

Diamond (Ashton Joint Venture) Security Regulations 1982

1. Citation

These regulations may be cited as the *Diamond (Ashton Joint Venture) Security Regulations 1982*¹.

2. Definitions

In these regulations —

regulation means one of these regulations;

Schedule means a Schedule to these regulations;

subregulation means a subregulation of the regulation in which the term is used;

the Act means the *Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1981*²;

waste dump means a waste dump principally consisting of tailings or overburden.

[Regulation 2 amended: Gazette 3 Dec 2004 p. 5727.]

3. Enclosure of designated land

(1) In this regulation —

security fence means a fence the design and construction of which comply with Part I of Schedule 1;

security wall means a wall the design and construction of which comply with Part II of Schedule 1.

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- (2) Subject to this regulation the Owners shall erect and maintain around land comprising a designated area —
- (a) a security fence or security wall; or
 - (b) a fence or wall, or combination of fence and wall, that affords security not less than would be afforded by a security fence or security wall.

- (3) Where portion of the boundaries of land comprising a designated area consists of —
- (a) a building or other structure; or
 - (b) a geographical formation,

that affords security not less than would be afforded by a security fence or security wall the Owners are not required to comply with subregulation (2) in relation to that portion of the boundaries.

- (4) Where —
- (a) a portion of the boundaries of land comprising a designated area is covered by a waste dump; and
 - (b) the entire edge of that part of the waste dump extending beyond the boundaries is greater than 30 m in height,

the Owners are not required to comply with subregulation (2) in relation to that portion of the boundaries.

- (5) Where a portion of the boundaries of land comprising a designated area is submerged by the waters of a lake or dam that was in existence before this subregulation came into operation, the Owners are not required to comply with subregulation (2) in relation to that portion of the boundaries.

[Regulation 3 amended: Gazette 3 Dec 2004 p. 5728.]

4. Enclosure of designated premises

- (1) The Owners shall ensure that fences, walls or other physical barriers are erected and maintained around premises comprising

a designated area so as to provide adequate security in relation to those premises.

- (2) Where the provision of physical barriers as required by subregulation (1) is not practicable the Owners shall ensure that adequate security controls of some other nature are maintained in relation to the premises.

5. Controlled access points

- (1) The Owners shall, in relation to a designated area, provide and designate places for —
- (a) the entry of persons to the designated area;
 - (b) the egress of persons from the designated area;
 - (c) the taking or consignment of property into the designated area; and
 - (d) the taking or consignment of property out of the designated area,
- and, if vehicles are to have access to the designated area for —
- (e) the driving of vehicles into the designated area; and
 - (f) the driving of vehicles out of the designated area.
- (2) A place may be provided and designated for 2 or more of the purposes mentioned in subregulation (1).
- (3) A controlled access point shall be designated by —
- (a) one or more signs in or to the effect of Form 1 in Schedule 2 located so as to be clearly visible to persons approaching the controlled access point from outside the designated area; and
 - (b) one or more signs in or to the effect of Form 2 in Schedule 2 located so as to be clearly visible to persons approaching the controlled access point from inside the designated area.
- (4) Where a gate is installed at a controlled access point to land comprising a designated area the provisions of Part I of

Schedule 1 shall apply, with such modifications as may be necessary, to the design and construction of that gate.

- (5) When a controlled access point is available for use it shall be manned or controlled by a security officer and a copy of the Act and these regulations shall be kept at the point.
- (6) When a controlled access point is not available for use gates or doors at that point shall be locked, or other physical measures taken, to prevent ingress and egress at that point.

6. Perimeter signs

- (1) The Owners shall erect and maintain signs in or to the effect of Form 3 in Schedule 2 —
 - (a) at intervals of not more than 500 m along the boundaries of land comprising a designated area;
 - (b) at each access point, other than a controlled access point, to premises comprising a designated area,

so as to be clearly visible to persons approaching the designated area.

- (2) Where the Owners are not required to comply with regulation 3(2) with respect to a portion of the boundaries of land comprising a designated area because of regulation 3(4) or (5), the Owners shall erect and maintain signs in or to the effect of Form 3 in Schedule 2 at intervals of not more than 250 m along those portions of the boundaries.

[Regulation 6 amended: Gazette 3 Dec 2004 p. 5728.]

7. Inspection of boundaries

The Owners shall cause regular inspections to be made of the boundaries of land comprising a designated area to ensure that the provisions of regulations 3 and 6 are being complied with.

8. Damaging fences, signs, etc.

A person shall not without the authority of the Owners damage, deface, remove or destroy —

- (a) a fence, wall, gate or other barrier; or
- (b) a sign,

erected pursuant to these regulations.

9. Record of agreements

The Owners shall maintain a record of any agreement entered into under section 17(7) of the Act for a period of 3 years after that agreement is entered into.

10. Safe custody of property

Where a security officer requires a person to surrender any property before entering a designated area the security officer shall issue a receipt accurately identifying the property and arrange for the property to be kept in safe custody in facilities provided by the Owners for that purpose.

11. Searches under section 21

- (1) A search or examination carried out under section 21 of the Act on a designated area shall be carried out in a place provided by the Owners for that purpose.
- (2) A search or examination under section 21 of the Act shall not be carried out by means of x-ray apparatus.

12. Searches by agreement

- (1) This regulation applies to the search of a person who is within a designated area and who, when requested to do so by a security officer, agrees to allow a search of himself to be made by a security officer.
- (2) A search to which this regulation applies —

- (a) shall be carried out in a place provided by the Owners for that purpose by a security officer of the same sex as the person being searched and in the presence of a third person of that sex;
 - (b) shall be carried out with due regard to the privacy, modesty and comfort of the person being searched;
 - (c) shall not be carried out by means of x-ray apparatus.
- (3) The Owners shall maintain a record of a search to which this regulation applies for a period of 3 years after the search is carried out.

13. Property searches

- (1) A search of property under section 20 of the Act may be carried out physically in such manner as a security officer thinks fit or by means of cabinet x-ray apparatus of a type approved by the Public Health Department of the State.
- (2) If practicable a search of property under section 20 of the Act shall be carried out in the presence of the person in control of the property and of a third person.
- (3) Where property is removed to a place of safe custody under section 20(1)(b) of the Act a security officer shall issue a receipt accurately identifying the property.
- (4) The security officer having charge of property detained under section 20(1)(b) of the Act shall arrange for that property to be searched within a reasonable period of time.

14. Detention of persons

The security officer having charge of a person detained under section 21 of the Act shall supply the person food and drink at each recognized meal time.

15. Owners to provide certain facilities

- (1) The Owners shall provide facilities for —

- (a) the carrying out of searches under section 21 of the Act and searches to which regulation 12 applies;
 - (b) the detention of persons under section 21 of the Act;
 - (c) the safe custody of property referred to in regulation 10.
- (2) The facilities mentioned in subregulation (1)(a) shall enable a search to be carried out with due regard to the privacy, modesty and comfort of the person being searched.
- (3) The facilities mentioned in subregulation (1)(b) shall contain facilities that enable the person being detained to be interviewed with due regard to his comfort and privacy.

16. Obstruction of security officer

A person shall not obstruct, hinder or interfere with a security officer acting under the authority of Part IV of the Act or these regulations.

17. Offences

A person who contravenes or fails to comply with a provision of these regulations commits an offence and is liable to a fine not exceeding \$500.

Schedule 1

Security barriers

Part I — Security fences

1.

A security fence shall consist of —

- (a) heavy gauge chain link mesh (mesh size not to exceed 5 cm) to a minimum height of 1.8 m above the actual ground level outside the fence; and
- (b) a barbed wire extension extending outwards above the chain link mesh at an angle of between 35° and 45° from the vertical and consisting of 3 strands of barbed wire spaced at intervals of approximately 12.5 cm and fastened to or passed through extensions of the posts supporting the fence.

2.

The base of a security fence shall be —

- (a) fixed into a concrete apron that is not less than 15 cm in depth;
- (b) secured to pipe framing or to wire strained between the posts supporting the fence; or
- (c) held to the ground by u-shaped stakes placed at intervals of not less than 1.5 m and driven into the ground to a depth of not less than 50 cm.

3.

The posts supporting a security fence shall be placed inside the fence at intervals of not more than 7 m and shall be constructed —

- (a) of tubular steel or galvanized iron pipe secured into a concrete footing to a depth of not less than 50 cm; or
- (b) of concrete with a concrete footing that is not less than 50 cm in depth.

Part II — Security walls

A security wall shall consist of —

- (a) masonry or concrete (without foot or hand holds) to a minimum height of 1.8 m above the actual ground level outside the wall; and
- (b) a barbed wire extension extending outwards above the masonry or concrete at an angle of between 35° and 45° from the vertical and consisting of 3 strands of barbed wire spaced at intervals of approximately 12.5 cm and fastened to or passed through tubular steel or galvanized iron pipes secured into the wall.

Schedule 2

Signs

Form 1

<p>STOP</p> <p><i>DIAMOND (ARGYLE DIAMOND MINES JOINT VENTURE) AGREEMENT ACT 1981²</i></p> <p>DESIGNATED AREA</p> <p>CONTROLLED ACCESS POINT FOR</p> <p><u>(type of access permitted at the point)</u></p> <p>NO ENTRY WITHOUT PERMISSION</p> <p>REPORT TO SECURITY OFFICER</p> <p>PENALTY FOR UNLAWFUL ENTRY:</p> <p>\$5 000 OR IMPRISONMENT FOR ONE YEAR.</p>
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Form 2

<p>STOP</p> <p><i>DIAMOND (ARGYLE DIAMOND MINES JOINT VENTURE) AGREEMENT ACT 1981²</i></p> <p>DESIGNATED AREA</p> <p>CONTROLLED ACCESS POINT FOR</p> <p><u>(type of access permitted at the point)</u></p> <p>REPORT TO SECURITY OFFICER</p> <p>PENALTY FOR UNLAWFUL EXIT:</p> <p>\$5 000 OR IMPRISONMENT FOR ONE YEAR.</p>
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Form 3

NO ENTRY

*DIAMOND (ARGYLE DIAMOND MINES JOINT VENTURE) AGREEMENT
ACT 1981²*

DESIGNATED AREA

ENTER AT CONTROLLED ACCESS POINTS ONLY

PENALTY FOR UNLAWFUL ENTRY:

\$5 000 OR IMPRISONMENT
FOR ONE YEAR.

Notes

- ¹ This reprint is a compilation as at 18 March 2005 of the *Diamond (Ashton Joint Venture) Security Regulations 1982* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Diamond (Ashton Joint Venture) Security Regulations 1982</i>	29 Oct 1982 p. 4371-4	29 Oct 1982
<i>Diamond (Argyle Diamond Mines Joint Venture) Security Amendment Regulations 2004</i> ³	3 Dec 2004 p. 5727-8	3 Dec 2004

Reprint 1: The *Diamond (Ashton Joint Venture) Security Regulations 1982* as at 18 Mar 2005 (includes amendments listed above)

- ² Formerly referred to as the *Diamond (Ashton Joint Venture) Agreement Act 1981* the short title of which was changed to the *Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1981* by the *Diamond (Ashton Joint Venture) Agreement Amendment Act 1983* s. 2. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ³ These regulations incorrectly referred to the *Diamond (Ashton Joint Venture) Security Regulations 1982* as the *Diamond (Argyle Diamond Mines Joint Venture) Security Regulations 1982*.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
regulation	2
Schedule.....	2
security fence	3(1)
security wall.....	3(1)
subregulation.....	2
the Act.....	2
waste dump	2