



New South Wales

Court Security Regulation 2011

under the

Court Security Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Court Security Act 2005*.

GREG SMITH, MP
Attorney General

Explanatory note

The object of this Regulation is to remake, with some amendments, the provisions of the *Court Security Regulation 2005*, which is repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation includes the Guardianship Tribunal as a court for the purposes of the *Court Security Act 2005* (**the Act**).

This Regulation makes provision with respect to the following:

- (a) applying the Act to the Victims Compensation Tribunal,
- (b) the kinds of bags and containers in which exhibits that are restricted items must be enclosed when brought into court premises,
- (c) permitting certain uses of recording devices in court premises,
- (d) the form of identification for security officers who are not also sheriff's officers,
- (e) the offences under the Act that are penalty notice offences,
- (f) savings and formal matters.

This Regulation is made under the *Court Security Act 2005*, including sections 4 (1) (definition of **court**), 8 (2) (a) (ii), 9 (2) (e), 21 (3), 29 and 30 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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1 Name of Regulation

This Regulation is the *Court Security Regulation 2011*.

2 Commencement

This Regulation commences on 1 September 2011 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Court Security Regulation 2005* which is repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Court Security Act 2005*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Definition of “court”

The following are prescribed for the purposes of paragraph (n) of the definition of *court* in section 4 (1) of the Act:

- (a) the Guardianship Tribunal,
- (b) the Victims Compensation Tribunal.

5 Prescribed containers for exhibits that are restricted items

A bag or container is prescribed for the purposes of section 8 (2) (a) (ii) of the Act if:

- (a) the insignia of the Sheriff is printed on the bag or container in a conspicuous position, and
- (b) the bag or container is issued by a security officer.

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Clause 6 Court Security Regulation 2011

6 Permissible uses of recording devices

The use of recording devices in any of the following circumstances is prescribed for the purposes of section 9 (2) (e) of the Act:

- (a) the use of recording devices in the court premises of the Administrative Decisions Tribunal with the approval of the registrar of the Tribunal,
- (b) the use of recording devices in the court premises of the Local Court with the approval of the relevant registrar of the Local Court.

7 Form of identification for security officers

For the purposes of section 21 (3) of the Act, the following form is prescribed:

(*Court Security Act 2005*, section 21 (3))

I, the Sheriff of New South Wales, certify that the holder of this certificate, [*insert name of security officer*] whose photograph, [**name/authority number*] and signature appear below, is a security officer for the purposes of the *Court Security Act 2005* who is authorised to exercise in court premises the powers of a security officer under that Act.

[<i>affix photograph here</i>]

*Name/Authority number: [*insert name or authority number*]

Signature of security officer: [*insert signature*]

Signature of Sheriff: [*insert signature*]

Note. *Omit either name or authority number, as required.

8 Penalty notices

For the purposes of section 29 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
- (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of that Schedule.

9 Saving

Any act, matter or thing that, immediately before the repeal of the *Court Security Regulation 2005*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

(Clause 8)

Column 1	Column 2
Provision	Penalty (\$)
Offences under the Act	
Section 7A (2)	110
Section 10 (4)	110
Section 11 (3)	110
Section 15 (2)	110
