

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this Regulation is to remake, with some amendments, the provisions of the *Court Security Regulation 2005*, which is repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.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

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Court Security Act 2005

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 This Regulation replaces the *Court Security Regulation 2005* which is repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.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

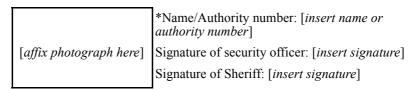
- (a) the use of recording devices in the court premises of the Administrative Decisions Tribunal with the approval of the registrar of the Tribunal,
- (b) the use of recording devices in the court premises of the Local Court with the approval of the relevant registrar of the Local Court.

#### 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.



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

# Schedule 1 Penalty notice offences

(Clause 8)

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