



New South Wales

Court Security Regulation 2016

under the

Court Security Act 2005

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

GABRIELLE UPTON, MP
Attorney General

Explanatory note

The object of this Regulation is to remake, with some amendments, the provisions of the *Court Security Regulation 2011*, which is repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the kinds of bags and containers in which exhibits that are restricted items must be enclosed when brought into court premises,
- (b) permitting certain uses of recording devices in court premises,
- (c) the items that may be required to be surrendered by persons entering court premises,
- (d) permitting the transmission of court proceedings in certain circumstances,
- (e) the form of identification for security officers who are not also sheriff's officers,
- (f) the offences under the *Court Security Act 2005* that are penalty notice offences,
- (g) savings and formal matters.

This Regulation is made under the *Court Security Act 2005*, including sections 8 (2) (a) (ii), 9 (2) (e), 9A (2) (f), 11 (1) (d), 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 2016*.

2 Commencement

This Regulation commences on 1 September 2016 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Court Security Regulation 2011* which is repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Court Security Act 2005*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation, except for the Note in the form set out in clause 8.

4 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.

5 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 Civil and Administrative Tribunal with the approval of the principal 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.

6 Exemptions from restriction on transmission of court proceedings

The transmission of sounds, images or information in any of the following circumstances is prescribed for the purposes of section 9A (2) (f) of the Act:

- (a) transmission by a journalist for the purposes of a media report on the proceedings concerned,
- (b) transmission by a lawyer,

- (c) transmission by a person who is authorised to do so by or under a practice note or policy direction issued by the senior judicial officer of the court concerned,
- (d) transmission by a court officer or member of staff of the court concerned (including a member of staff of a judicial officer of the court) acting in the usual course of his or her duties.

7 Items required to be surrendered for safekeeping

The following things and classes of things are prescribed for the purposes of section 11 (1) (d) of the Act:

- (a) flammable liquids,
- (b) glass bottles and other glass containers,
- (c) sporting bats and any other sporting equipment that is capable of being used as a weapon,
- (d) hammers and screwdrivers and any other tools that are capable of being used as a weapon,
- (e) scooters, skateboards and other personal transport items,
- (f) spray cans,
- (g) marker pens.

8 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: [<i>insert name or authority number</i>] Signature of security officer: [<i>insert signature</i>] Signature of Sheriff: [<i>insert signature</i>]
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Note. *Omit either name or authority number, as required.

9 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.

10 Saving

Any act, matter or thing that, immediately before the repeal of the *Court Security Regulation 2011*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

(Clause 9)

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