

Court Security Regulation 2021

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*.

MARK SPEAKMAN, MP

Attorney General, and Minister for Prevention of Domestic and Sexual Violence

Explanatory note

The object of this Regulation is to repeal and remake, with minor changes, the *Court Security Regulation* 2016, which would otherwise be repealed on 1 September 2021 by the *Subordinate Legislation Act* 1989, section 10(2).

This Regulation provides for the following—

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

This Regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) 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 2021.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note. This Regulation repeals and replaces the *Court Security Regulation 2016*, which would otherwise be repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definition

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.

4 Bags and containers for exhibits that are restricted items

For the purposes of the Act, section 8(2)(a)(ii), a bag or container is prescribed if—

- (a) the Sheriff's insignia 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

For the purposes of the Act, section 9(2)(e), the use of recording devices in the following circumstances is prescribed—

- (a) in the court premises of the Civil and Administrative Tribunal with the approval of the principal registrar of the Tribunal,
- (b) in the court premises of the Local Court with the approval of the relevant registrar of the Local Court.

6 Permissible transmission of court proceedings

For the purposes of the Act, section 9A(2)(f), the transmission of sounds, images or information in the following circumstances is prescribed—

- (a) by a journalist for the purposes of a media report on the proceedings concerned,
- (b) by a lawyer,
- (c) 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) 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 the court officer's or member's duties.

7 Things required to be surrendered for safekeeping

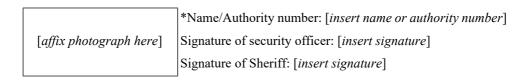
For the purposes of the Act, section 11(1)(d), the following things and classes of things are prescribed—

- (a) flammable liquids,
- (b) glass containers, including glass bottles,
- (c) sporting equipment that may be used as a weapon, including sporting bats,
- (d) tools that may be used as a weapon, including hammers and screwdrivers,
- (e) personal transport items, including scooters and skateboards,
- (f) spray cans,
- (g) marker pens.

8 Form of certificates of identification for security officers

For the purposes of the Act, section 21(3), 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.

9 Repeal and savings

- (1) The Court Security Regulation 2016 is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Court Security Regulation 2016*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

1 Application of Schedule

- (1) For the purposes of the Act, section 29—
 - (a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
 - (a) that limited kind of offence, or
 - (b) an offence committed in those limited circumstances.

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	