



New South Wales

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Regulation is to repeal and remake, with minor changes, the *Court Security Regulation 2016*, which would otherwise be repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).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

## Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Bags and containers for exhibits that are restricted items	3
5 Permissible uses of recording devices	3
6 Permissible transmission of court proceedings	3
7 Things required to be surrendered for safekeeping	4
8 Form of certificates of identification for security officers	4
9 Repeal and savings	4
<b>Schedule 1</b> <b>Penalty notice offences</b>	<b>5</b>

## Court Security Regulation 2021

under the

Court Security Act 2005

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**Note.** This Regulation repeals and replaces the *Court Security Regulation 2016*, which would otherwise be repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).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

[ <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> ]

**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.

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