

Passed by both Houses



New South Wales

# Sheriff and Court Security Amendment Bill 2024

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2024*



New South Wales

## **Sheriff and Court Security Amendment Bill 2024**

Act No \_\_\_\_\_, 2024

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An Act to make miscellaneous amendments to the *Sheriff Act 2005* and *Court Security Act 2005*, including in relation to the functions of the Sheriff and the powers of sheriff's officers.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Sheriff and Court Security Amendment Act 2024*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## Schedule 1 Amendment of Sheriff Act 2005 No 6

### [1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

*judicial officer* has the same meaning as in the *Court Security Act 2005*.

*Secretary* means the Secretary of the department in which this Act is administered.

### [2] Section 3(1), definition of “Sheriff’s alternate”

Omit “of the Department of Justice”.

### [3] Section 4 Sheriff’s functions

Omit section 4(1). Insert instead—

(1) The Sheriff has the following functions—

- (a) to provide for the safety and security of courts and tribunals, including by exercising the functions given to the Sheriff by or under the *Court Security Act 2005*,
- (b) to provide for the effective management and administration of the jury system in accordance with the *Jury Act 1977*,
- (c) civil law enforcement functions given to the Sheriff by or under this Act and other Acts,
- (d) to provide protective security services to judicial officers,
- (e) any other function given to the Sheriff by or under this Act or another Act or law.

### [4] Section 5 Delegation of Sheriff’s functions

Omit “Department of Justice” from section 5(1)(b).

Insert instead “department in which this Act is administered”.

### [5] Sections 7C and 7D

Insert after section 7B—

#### 7C Security for judicial officers

- (1) A sheriff’s officer may provide security services to a judicial officer for the protection of the judicial officer outside court premises.
- (2) The services must be provided in accordance with an agreement between the Sheriff and the head of the court of which the judicial officer is a member.
- (3) In this section—  
*court* and *court premises* have the same meanings as in the *Court Security Act 2005*.

#### 7D Emergency assistance

- (1) The Sheriff may, with the approval of the Secretary, enter into an agreement with the head of a Public Service agency to enable sheriff’s officers to assist the agency in connection with an emergency.
- (2) In this section—  
*head* of a Public Service agency has the same meaning as in the *Government Sector Employment Act 2013*.

*Public Service agency* has the same meaning as in the *Government Sector Employment Act 2013*.

**[6] Section 14**

Insert after section 13A—

**14 Rank structure**

- (1) The Governor may, on the recommendation of the Sheriff, issue a document (a *commission*) recognising the appointment of a sheriff's officer to the position of a commissioned officer.
- (2) The purpose of a commission is symbolic recognition of the seniority of the sheriff's officer.
- (3) The Sheriff may publish the rank structure for sheriff's officers, as in force from time to time, in the Gazette.

**[7] Section 15 Exclusion of liability**

Omit "executing this Act".

Insert instead "exercising a function under this Act or another Act".

## **Schedule 2 Amendment of Court Security Act 2005 No 1**

### **[1] Part 3 Court security powers**

Insert after Part 3, Division 4—

#### **Division 5 Assisting police officers and custodial officers**

##### **15A Assisting police officers and custodial officers**

- (1) A security officer may, if asked by a police officer or custodial officer, provide reasonable assistance to the police officer or custodial officer in relation to an incident affecting court security—
  - (a) in court premises, or
  - (b) in the immediate vicinity of court premises.
- (2) The security officer must, when assisting the police officer or custodial officer, act at all times under the direction of—
  - (a) the police officer or custodial officer, or
  - (b) another police officer or custodial officer who is also present.

### **[2] Section 16 Powers of arrest**

Insert after section 16(2)—

- (2A) A security officer may also arrest a person, without a warrant, at a place outside of court premises, if—
  - (a) the person absconded from the court premises in an attempt to escape from lawful custody, and
  - (b) the officer pursued the person from the court premises and the pursuit was not stopped or interrupted at any time before the officer arrived at the place for the purpose of arresting the person.

### **[3] Section 16(3)**

Omit “subsection (2)”. Insert instead “subsections (2) and (2A)”.

### **[4] Section 17 Use of force generally by security officers**

Insert “or from lawful custody” after “after arrest” in section 17(2).