

# Court Security Regulation 2021

[2021-457]



New South Wales

## Status Information

### Currency of version

Current version for 1 December 2023 to date (accessed 24 May 2024 at 9:46)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**

Sec 5A(2) of this regulation (sec 5A(2) repeals sec 5A at the end of 30.11.2024)

Sec 6A(3) of this regulation (sec 6A(3) repeals sec 6A(2) and (3) on 30.11.2024)

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2026

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 December 2023

# Court Security Regulation 2021



New South Wales

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# Court Security Regulation 2021



New South Wales

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This Regulation repeals and replaces the *Court Security Regulation 2016*, which would otherwise be repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).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

- (c) the use of body-worn video by a police officer in court premises in accordance with—
  - (i) the [Surveillance Devices Act 2007](#), section 50A, and
  - (ii) a written agreement between the Commissioner of Police and the Sheriff and in consultation with the head of the court concerned, however described.

#### **5A Use of body-worn recording device by sheriff's officer**

- (1) For the Act, section 9(2)(e), the use of a body-worn recording device by a sheriff's officer is permitted in court premises if—
  - (a) the use of the device is governed by a written agreement between the Sheriff and the head of the court concerned, however described, and
  - (b) the officer is using the device while acting in the execution of the officer's duties, and
  - (c) the device is prominently attached to the officer's uniform, and
  - (d) at least one of the following applies to the use of the device by the officer—
    - (i) before making a recording, the officer made a reasonable attempt to ensure the person likely to be recorded by the device was aware the device was capable of recording images or sound, or both,
    - (ii) in the opinion of the officer, there is a significant risk of harm to the officer or another person,
    - (iii) the recording of images or sound, or both, by the device is inadvertent or unexpected.
- (2) This section is repealed at the end of 30 November 2024.

#### **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.

#### **6A Exemption from restriction on transmission or distribution of court recording**

- (1) For the Act, section 9B(2)(c), the transmission or distribution of a recording of court proceedings is prescribed if—
  - (a) the recording was obtained by a police officer using body-worn video in accordance with section 5(c), and
  - (b) the transmission or distribution is in connection with the exercise of a law enforcement function by a police officer.
- (2) For the Act, section 9B(2)(c), the transmission or distribution of a recording of court proceedings is prescribed if the recording was obtained by a sheriff's officer using a body-worn recording device in accordance with section 5A.
- (3) Subsection (2) and this subsection are repealed on 30 November 2024.

#### **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,
- (h) remotely piloted aircraft within the meaning of the *Crimes (Administration of Sentences) Act 1999*, Part 13A.

#### **7A (Repealed)**

#### **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.

[affix photograph here]

\*Name/Authority number: [insert name or authority number]  
Signature of security officer: [insert signature]  
Signature of Sheriff: [insert signature]

**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 |