

Courts and Other Legislation Further Amendment Act 2013 No 1

[2013-1]



New South Wales

Status Information

Currency of version

Repealed version for 1 March 2013 to 1 July 2013 (accessed 18 November 2024 at 17:23)

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—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.7.2013.

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 2 July 2013

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Courts and Other Legislation Further Amendment Act 2013 No 1



New South Wales

An Act to make miscellaneous amendments to certain legislation with respect to courts and juries, civil and criminal procedure, the exchange of information by certain government agencies and the enforcement of fines and to effect minor statute law revision; and to repeal the *Inebriates Act 1912*.

1 Name of Act

This Act is the *Courts and Other Legislation Further Amendment Act 2013*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1.8 commences on a day to be appointed by proclamation.

3 Explanatory notes

The matter appearing under the heading “Explanatory note” in Schedule 1 does not form part of this Act.

Schedule 1 Amendment and repeal of legislation

1.1-1.7

(Repealed)

1.8 Court Security Act 2005 No 1

[1] Section 9A

Insert after section 9:

9A Prohibition on unauthorised transmission of court proceedings from

courtroom

(1) A person must not use any device to transmit sounds or images (or both) from a room or other place where a court is sitting, or to transmit information that forms part of the proceedings of a court from a room or other place where that court is sitting, in any of the following ways:

- (a) by transmitting the sounds, images or information to any person or place outside that room or other place,
- (b) by posting entries containing the sounds, images or information on social media sites or any other website,
- (c) by otherwise broadcasting or publishing the sounds, images or information by means of the Internet,
- (d) by otherwise making the sounds, images or information accessible to any person outside that room or other place,

whether that transmission, posting, broadcasting, publishing or other conduct occurs simultaneously with the proceedings or at a later time (or both).

Maximum penalty: 200 penalty units or imprisonment for 12 months (or both).

(2) Subsection (1) does not apply to any of the following:

- (a) a device being used for a purpose other than a purpose referred to in subsection (1),
- (b) the transmission of sounds, images or information by an audio link, audio visual link, closed-circuit link or other technology that enables communication between the room or other place where the court is sitting and another place and that has been expressly permitted by a judicial officer,
- (c) any other transmission of sounds, images or information that has been expressly approved by a judicial officer,
- (d) the transmission of sounds, images or information for the purpose of transcribing court proceedings for the court at a place outside the room or other place where the court is sitting,
- (e) the use by a prosecutor of a tablet computer or other similar device to transmit sounds, images or information only to another prosecutor who either is not a witness in the relevant court proceedings or, if he or she is such a witness, who has already given evidence in those proceedings,
- (f) the transmission of sounds, images or information in any circumstances that

may be prescribed by the regulations.

[2] Section 12 Power to confiscate restricted items and other things

Insert “or other device” after “recording device” wherever occurring in section 12 (1) (a) (iii) and (iv).

[3] Section 12 (1) (a) (iii) and (iv)

Insert “or 9A” after “section 9” wherever occurring.

Explanatory note

Item [1] of the proposed amendments to the [Court Security Act 2005](#) prohibits the unauthorised use of any device (including a phone) to transmit sounds, images or information forming part of proceedings of a court from a room or other place where a court is sitting to another place. For instance, this would prohibit the use of a mobile phone to simultaneously transmit court proceedings to a witness who is not permitted to be in the court room because he or she is yet to give evidence. The prohibition is subject to exemptions, including for audio links, audio visual links or closed-circuit television approved by a judicial officer, the official transcription of court proceedings and the use of tablet computers by prosecutors in certain circumstances.

Items [2] and [3] provide for the confiscation of any device used in contravention of that prohibition and of any film, tape or other recording medium used in such a device.

1.9-1.18

(Repealed)