



New South Wales

# Sheriff and Court Security Amendment Bill 2023

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to make miscellaneous amendments to—

- (a) the *Sheriff Act 2005*, including—
  - (i) to set out the functions of the Sheriff, and
  - (ii) to authorise Sheriff’s officers to provide security services to judicial officers, and
  - (iii) to enable Sheriff’s officers to provide emergency assistance to other agencies, and
- (b) the *Court Security Act 2005*, including to authorise a security officer to provide reasonable assistance to a police officer or custodial officer in relation to court security.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1 Amendment of Sheriff Act 2005 No 6

**Schedule 1[1]** inserts definitions of *judicial officer* and *Secretary*. **Schedule 1[2]** makes a consequential amendment.

**Schedule 1[3]** sets out the functions of the Sheriff.

**Schedule 1[4]** updates a reference to the Department of Communities and Justice.

**Schedule 1[5]** authorises a sheriff's officer to, in accordance with an agreement between the Sheriff and the head of the court concerned, provide protective security services to a judicial officer outside court premises. Schedule 1[5] also allows the Sheriff, with the approval of the Secretary, to enter into an agreement with the head of another Public Service agency to enable a sheriff's officer to assist the other agency in connection with an emergency.

**Schedule 1[6]** provides for a sheriff's officer to be appointed to the position of commissioned officer as a symbolic recognition of the seniority of the sheriff's officer.

**Schedule 1[7]** extends the exclusion of personal liability provided to sheriff's officers under the *Sheriff Act 2005* to functions exercised by sheriff's officers under other Acts.

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

**Schedule 2[1]** authorises a security officer to provide reasonable assistance to a police officer or custodial officer, on the request of the police officer or custodial officer, in relation to an incident affecting court security in court premises or in the immediate vicinity of court premises.

**Schedule 2[2]** authorises a security officer to pursue and arrest a person, without a warrant, outside of court premises if the person is attempting to escape from lawful custody. **Schedule 2[3] and [4]** make consequential amendments.