



Justice
Court Services

Office of the Sheriff Procedure Guide



Closed Courts



The content of this document is for the information of Court Services staff only and may not be distributed to any other person or organisation without prior approval of the Executive Director, Court Services.

Version: 1.0
Last Saved Date: March 2019
Document Owner: NSW Jury Manager

Document information

Overview

At times it might be necessary for court proceedings to be held in a closed court. This could be for a range of reasons including to protect information, protect the identity of a witness, a child is giving evidence, sexual assault victim testimony or at the order of Judge.

This document will:

- Explain the overall processes;
- Describe the key policies and procedures; and
- Provide links to other useful resources.

Target audience

This document is written for all Court and Sheriff Officers servicing the District and Supreme Courts of NSW.

Version history

No.	Date	Notes
1.0	April 2019	New Procedure Guide

Table of contents

Document information	2
Overview.....	2
Target audience	2
Version history	2
Table of contents	3
Introduction	4
Objective.....	4
What does “in camera” mean?	4
What is the relevant Legislation?	4
Process 1: Identifying possible court matters	5
Objective.....	5
What types of matters ?	5
Process 2: Confirming the judges intentions	6
Objective.....	6
How do I confirm the Judges intentions?.....	6
Process 3: Closing the court	7
Objective.....	7
What are the steps to close the court?	7
Process 4: Re-opening the court.....	8
Objective.....	8
What are the steps to re-open the court?	8

Introduction

Objective

This section is intended to provide background legislative information and key terms relevant to the closure of courts.

What does “in camera” mean?

“*In camera*” is a legal term that means in private. It generally refers to a case or parts of a case that are heard in private and the public is not allowed to view such proceedings.

What is the relevant Legislation?

The powers of a court to make a closed court are primarily contained in the Children’s (Criminal Procedure) Act 1987, Criminal Procedure Act 1986 and Court Suppression and non-publications Act 2010.

Process 1: Identifying possible court matters

Objective For Officers to be able to identify the possible types of matters that might be subject to closed court proceedings

What types of matters ? Officers are to be observant and diligent in identifying the types of matters and circumstances where evidence may need to heard in a closed Court. The following circumstances are illustrations of when a matter should be heard in a closed court unless the Judge directs otherwise :



- When a complainant (child or adult) gives evidence in a prescribed sexual offence



- When a child witness and/or complainant gives any evidence in court



- When a protected witness gives evidence eg someone in witness protection
 - Some sensitive material in terrorism matters
-

Process 2: Confirming the judges intentions

Objective

For officers to confirm the intentions of the presiding Judge

How do I confirm the Judges intentions?

Ordinarily an Order will be made from the Judge instructing the Court Officer to close the Court for a period of time or until a witness has finished giving their evidence. However, in circumstances where such an order is not made and the Court matter involves any of the circumstances outlined in Process 1, the Court Officer may need to confirm the intention of the Judge.



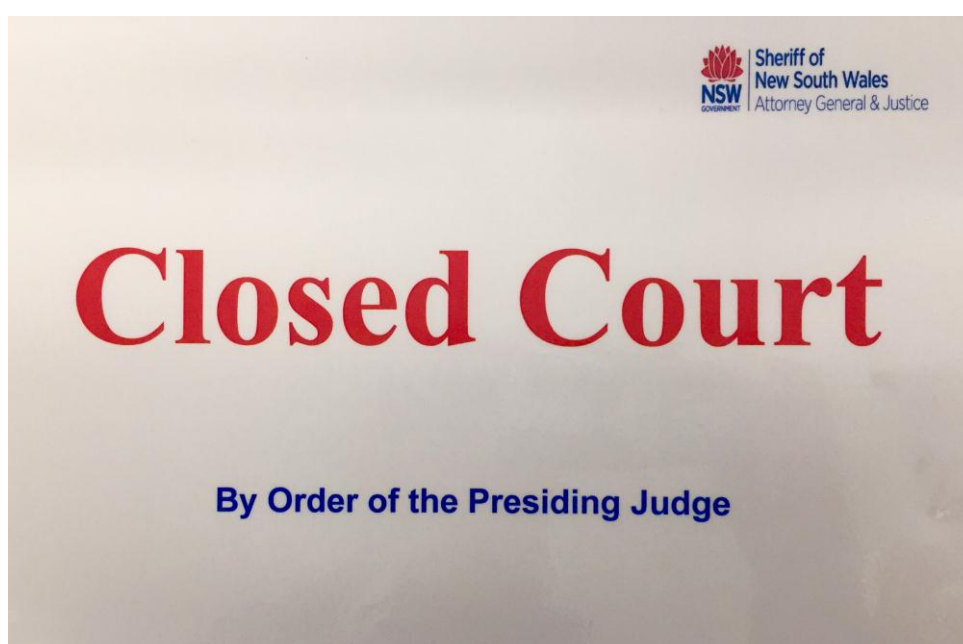
It is recommended that prior to the witness commencing their evidence the Officer approach the Associate or Judge and quietly confirm whether the Court should be closed and if so, for what duration.

Process 3: Closing the court

Objective To provide instruction for Officers to understand what actions need to occur to close the Court

What are the steps to close the court? Once the Officer has confirmed that that proceedings are to be heard in a closed Court, the Officer should do the following :

- Place a sign similar to below on the front entrance to the Court Room.



- Inform the Court gallery that the Court is now closed and only Legal Personnel, Police Officers and the support person for the witness can remain in the Court room. You may wish to formally say something similar to *“all persons not connected to this matter will need to leave the court and the hearing of this court. This is now a closed court.”*
- Approach any person who enters the Court room during the ‘in camera’ proceedings to confirm their identity and whether it is appropriate for them to remain in the Court room.

Process 4: Re-opening the court

Objective

To provide instruction for Officers to understand what actions need to occur to re-open a closed Court

What are the steps to re-open the court?

Once the “in camera” proceedings have finalised and the Court is to be re-opened, the officer should do the following:



- Confirm with the Judge or Judges Associate that the Court should be re-opened.
- Remove the “Closed Court” signage from the front door of the court room
- Advise the Judge or the Judges Associate that the Court has now been re-opened.