



New South Wales

Security Industry Amendment (Further Transitional Arrangements) Regulation 1998

under the
Security Industry Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Security Industry Act 1997*.

Paul Whelan
Minister for Police

Explanatory note

The objects of this Regulation are as follows:

- (a) to continue, on a transitional basis, the authority conferred by an "existing" security industry licence if the holder of the existing licence has applied, or applies before 31 March 1999, for a new licence under the *Security Industry Act 1997* (see proposed clause 33),
- (b) to exempt, on a transitional basis, any person from the requirement to be licensed to carry on a security activity if the person has applied, or applies before 31 March 1999, for a new licence and the person is considered eligible to be granted the licence (see proposed clause 34),
- (c) to exempt, on a transitional basis, certain persons in the retail trade industry from the requirement to be licensed to carry on security activities previously carried on by those persons, so long as the person concerned has applied, or applies before 31 March 1999, for a new licence (see Schedule 1 [1]).

This Regulation is made under the *Security Industry Act 1997*, including section 6 (3) and clause 1 of Schedule 2.

1998 No 597

Clause 1 Security Industry Amendment (Further Transitional Arrangements) Regulation 1998

Security Industry Amendment (Further Transitional Arrangements) Regulation 1998

1 Name of Regulation

This Regulation is the *Security Industry Amendment (Further Transitional Arrangements) Regulation 1998*.

2 Amendment of Security Industry Regulation 1998

The *Security Industry Regulation 1998* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments**(Clause 2)****[1] Clause 32 Transitional exemption—retail trade industry**

Omit clause 32 (2) and (3). Insert instead:

- (2) If such a person:
 - (a) has applied for a licence to carry on the security activity previously carried on by the person, but has not been granted the licence or been notified of the refusal of the licence, or
 - (b) applies for such a licence before 3 March 1999, the person is exempt from the requirement under the Act to hold a licence to carry on the security activity concerned, but only until such time as the person is granted the licence or is notified of the refusal of the licence.

[2] Clauses 33 and 34

Insert after clause 32:

33 Transitional provision—continuation of existing licences

- (1) If the holder of an existing licence (within the meaning of clause 2 of Schedule 2 to the Act):
 - (a) has applied for a new licence of the corresponding kind (as referred to in clause 3 (1) (a) of Schedule 2 to the Act), but has not been granted the licence or been notified of the refusal of the licence, or
 - (b) applies for such a licence before 31 March 1999, the authority conferred by the existing licence continues (unless the existing licence is sooner suspended, revoked or surrendered in accordance with the Act) until such time as the holder is granted the new licence or is notified of the refusal of the new licence.

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Schedule 1 Amendments

- (2) This clause has effect despite:
- (a) clause 30, and
 - (b) clause 3 (1) (b) of Schedule 2 to the Act.

34 Transitional exemption—applicants for new licences

If a person (other than a person to whom clause 32 applies or a person who is the holder of an existing licence):

- (a) has applied for a licence, but has not been granted the licence or been notified of the refusal of the licence, or
- (b) applies for a licence before 31 March 1999,

and the Commissioner is satisfied that the person would be eligible to be granted the licence to which the application relates, the person is exempt from the requirement under the Act to hold a licence to carry on the security activity that would be authorised by the licence, but only until such time as the person is granted the licence or is notified of the refusal of the licence.