



New South Wales

# Security Industry Further Amendment (Fees) 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

Clause 12 of the *Security Industry Regulation 1998* was disallowed by a resolution of the Legislative Council on 23 September 1998. That clause provided for the fees payable for certain matters under the *Security Industry Act 1997* (the "new Act"), including the fees for the granting of licences authorising persons to carry on security activities. The classes of licence under the new Act are class 1 and class 2 licences (granted to individuals who carry on security activities, eg security guards) and master licences (granted to security industry employers).

Clause 12 provided for fees to be payable on a 5 year basis in accordance with the new Act which provides for all licences to be in force for 5 years. Under the previous legislation, annual fees were payable

Clause 7 of the *Security Industry Regulation 1998*, which was not disallowed provides that the administrative fee to accompany an application for a licence is \$50. This fee is non-refundable in the event that the licence application is refused.

The objects of this Regulation are as follows:

- (a) to provide that an applicant for a class 1 or class 2 licence will have the option of applying for a one year licence or a 5 year licence.

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- (b) to provide that the fee payable for a one year class 1 or class 2 licence will be \$35, to be combined with the existing non-refundable administrative fee for processing the licence application,
- (c) to reinstate certain other fees (such as the fees for master licences, for duplicate licences, and for varying the kind of security activity authorised by a licence) that were also repealed as a result of the disallowance of clause 12.

This Regulation is made under the *Security Industry Act 1997*, including section 14 (Application for licence) and 48 (the general regulation-making power).

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## Security Industry Further Amendment (Fees) Regulation 1998

### 1 Name of Regulation

This Regulation is the *Security Industry Further Amendment (Fees) 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.

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 6A

Insert after clause 6:

#### **6A Term of licence**

- (1) In making an application for a class 1 or class 2 licence, the applicant may apply for a licence that will be in force for a period of one year only.
- (2) For the purposes of section 24 (1) of the Act, the period of one year is prescribed in relation to any such licence.

### [2] Clause 7

Omit the clause and the note to the clause. Insert instead:

#### **7 Licence application fees: section 14**

##### **(1) Class 1 and 2 licences—one year term**

For the purposes of section 14 (2) (a) of the Act, the prescribed fee to accompany an application for a class 1 or class 2 licence that will be in force for a period of one year is:

- (a) except as provided by paragraph (b)—\$85, or
- (b) in the case of an application for more than one such class (or subclass) of licence that is made at the same time in respect of the same person—\$115.

##### **(2) Class 1 and 2 licences—5 year term**

For the purposes of section 14 (2) (a) of the Act, the prescribed fee to accompany an application for a class 1 or class 2 licence that will be in force for a period of 5 years is:

- (a) except as provided by paragraph (b)—\$350, or

- (b) in the case of an application for more than one such class (or subclass) of licence that is made at the same time in, respect of the same person—\$380.

(3) **Master licences**

For the purposes of section 14 (2) (a) of the Act, the prescribed fee to accompany an application for a master licence is:

- (a) if the licensee is to be self-employed and no licensed security industry employees are to be employed by the licensee under the licence during the term of the licence—\$300, or
- (b) if a total of no more than 10 licensed security industry employees are to be employed by the licensee during the term of the licence—\$550, or
- (c) if a total of no more than 50 licensed security industry employees are to be employed by the licensee during the term of the licence—\$1,050, or
- (d) if a total of more than 50 licensed security industry employees are to be employed by the licensee during the term of the licence—\$2,050.

(4) **Refund of application fee if licence not granted**

If an application for a licence is refused, the application fee paid in respect of the application (less \$50) is to be refunded to the person who made the application.

**[3] Clause 14 Requirement to notify change of licence particulars**

Omit "specified in clause 12 (1) (d)" from clause 14 (2).  
Insert instead "of \$30".

**[4] Clause 16 Application for duplicate licence**

Omit "specified in clause 12 (1) (d)" from clause 16 (1).  
Insert instead "of \$30".

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**[5]      Clause 16A**

Insert after clause 16:

**16A Application for variation of licence**

An application under section 27 of the Act for the variation of a class 1 or class 2 licence must be accompanied by a fee of \$50.