



New South Wales

Security Industry Amendment (Miscellaneous) Regulation 2015

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*.

STUART AYRES, MP
Minister for Police and Emergency Services

Explanatory note

The object of this Regulation is to amend the *Security Industry Regulation 2007* as follows:

- (a) to revise the Schedule of penalty notice offences:
 - (i) to update a reference to an offence provision and to remove references to repealed or relocated offence provisions, and
 - (ii) to increase the prescribed penalties for a penalty notice offence that prohibits a master licensee from employing unlicensed persons (from \$2,200 to \$11,000 if the offence is committed by a corporation and from \$1,100 to \$5,500 if committed by an individual), and
 - (iii) to prescribe certain offences as penalty notice offences (being offences relating to contravening visitor permit conditions, failing to produce visitor permits on demand, obstructing an enforcement officer and unauthorised subcontracting),
- (b) to omit a redundant prescription of a security activity for the purposes of the *Security Industry Act 1997*,
- (c) to omit reference to certain contraventions as offences the commission of which is a discretionary ground for refusing the grant of an application for a licence,
- (d) to modify an exemption from the application of the *Security Industry Act 1997* relating to apprentices and trainees and to omit a redundant exemption,
- (e) to require certain records to be kept in a manner and form approved by the Commissioner of Police.

This Regulation is made under the *Security Industry Act 1997*, including sections 6 (3), 45A and 48 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Security Industry Amendment (Miscellaneous) Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Security Industry Regulation 2007

[1] Clause 5 Security activities: section 4 (1) (p)

Omit clause 5 (c).

[2] Clause 16 Grounds for refusal to grant licence: section 15 (4)

Omit “18, 20, 21, 22,” from clause 16 (6) (c).

[3] Clause 36 Records required to be kept by master licensees

Insert “in a manner and form approved by the Commissioner” after “kept” in clause 36 (2) (a).

[4] Schedule 1 Exempt persons

Omit clause 26 (b). Insert instead:

- (b) if the apprentice or trainee is a first year apprentice or trainee, only while the apprentice or trainee is directly supervised by a holder of a licence authorising the holder to carry on those security activities.

A *first year apprentice or trainee* is a person who is recognised by the Department of Education and Communities as a first year apprentice or a first year trainee under the *Apprenticeship and Traineeship Act 2001*.

[5] Schedule 1, clause 32

Omit the clause.

[6] Schedule 2 Penalty notice offences

Omit the matter relating to section 29A (2). Insert instead:

Section 15 (2B)—where the offence is committed by a corporation	1,100
Section 15 (2B)—where the offence is committed by an individual	550

[7] Schedule 2

Omit the matter relating to section 38B. Insert instead:

Section 38A—where the offence is committed by a corporation	2,200
Section 38A—where the offence is committed by an individual	1,100

[8] Schedule 2

Omit the matter relating to section 39 (1). Insert instead:

Section 39 (1)—where the offence is committed by a corporation	11,000
Section 39 (1)—where the offence is committed by an individual	5,500

[9] Schedule 2

Omit the matter relating to section 42A (4). Insert instead:

Section 39F—where the offence is committed by a corporation	2,200
Section 39F—where the offence is committed by an individual	1,100

Section 39H	550
Section 39L	1,100

[10] Schedule 2

Omit the matter relating to clauses 14 (3), 15 (2), 39 (3) and 45.