



New South Wales

# Security Industry Amendment Regulation 2023

under the

Security Industry Act 1997

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

YASMIN CATLEY, MP  
Minister for Police and Counter-terrorism

## Explanatory note

The object of this regulation is to amend the *Security Industry Regulation 2016*, following recent amendments to the *Security Industry Act 1997* (*the Act*), as follows—

- (a) updating a number of cross-references to the Act,
- (b) updating provisions specifying the classes of immigration visa that a person applying for a licence may hold,
- (c) providing that penalty notices may be issued for new offences in the Act,
- (d) clarifying maximum amounts for penalty notices issued to holders of security industry master licences.

This regulation is made under the Act, including sections 45A and 48, the general regulation-making power.

## **Security Industry Amendment Regulation 2023**

under the

Security Industry Act 1997

### **1 Name of regulation**

This regulation is the *Security Industry Amendment Regulation 2023*.

### **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 2016

**[1] Clause 7 Exemptions—the Act, s 6AA(6)**

Omit clause 7(1)(a). Insert instead—

- (a) is a person the Commissioner must refuse to grant a licence to under the Act, section 15(1)(d), and

**[2] Clause 12 Information and particulars supporting licence application: section 14 (2) (b)**

Omit clause 12(1)(b). Insert instead—

- (b) information satisfying the Commissioner that the applicant is an Australian citizen or resident,

**[3] Clause 12(1)(d)**

Omit “section 15 (1) (c) of the Act”. Insert instead “the Act, section 15(1)(f)(ii)”.

**[4] Clause 12(1)(e)**

Omit “section 15 (1) (d) of the Act”. Insert instead “the Act, section 15(1)(f)(iii)”.

**[5] Clause 12(3)(c)**

Omit the paragraph. Insert instead—

- (c) information satisfying the Commissioner that the applicant is an Australian citizen or resident,

**[6] Clause 12(3)(e), (4)(f) and (5)(e)**

Omit the paragraphs.

**[7] Clause 12(4)(c)(i)**

Omit the subparagraph. Insert instead—

- (i) an Australian citizen or resident, and

**[8] Clause 12(5)(c)(i)**

Omit the subparagraph. Insert instead—

- (i) an Australian citizen or resident, and

**[9] Clause 12(7)**

Insert after clause 12(6)—

- (7) In this clause—

***Australian citizen or resident*** means—

- (a) for subclause (1)(b)—
  - (i) an Australian citizen, or
  - (ii) a permanent Australian resident, or
  - (iii) a person who holds a visa of a type specified in the Act, section 15(1)(d), or
- (b) otherwise—
  - (i) an Australian citizen, or
  - (ii) a permanent Australian resident, or

- (iii) a person who holds a visa of a type specified in the Act, section 15(1)(d)(ii).

**[10] Clause 14 References to close associate: section 15 (5)**

Omit “For the purposes of section 15 (5) of the Act, a reference to an applicant in section 15 (1) (c)–(f) of the Act”.

Insert instead “A reference to an applicant in the Act, section 15(1)(d) and (f)(ii)–(iv)”.

**[11] Clause 34 Incident registers**

Omit “class 1C” from clause 34(1)(b). Insert instead “class 1A”.

**[12] Clause 45 Penalty notice offences and penalties: section 45A**

Omit clause 45(1)(b). Insert instead—

- (b) the penalty prescribed for each such offence is—
  - (i) for an offence committed by the holder of a master licence class MA or class MB in that capacity— the amount specified opposite the provision in Schedule 3, Column 2, or
  - (ii) otherwise—the amount specified opposite the provision in Schedule 3, Column 3.

**[13] Schedule 1 Exempt persons**

Omit “clause 53G (5) of the *Liquor Regulation 2008*” from Schedule 1, item 30.

Insert instead “the *Liquor Regulation 2018*”.

**[14] Schedule 1**

Renumber the second occurrence of item 39 as item 39A.

**[15] Schedule 3 Penalty notice offences**

Omit the table from Schedule 3. Insert instead—

Column 1	Column 2	Column 3
Provision	Penalty—Holder of master licence class MA or class MB	Penalty—Otherwise
<b>Offences under the Act</b>		
Section 7(1)—where—	—	\$11,000
(a) the offence is committed by a corporation, and		
(b) the offender does not hold a master licence		
Section 7(1)—where—	—	\$5,500
(a) the offence is committed by an individual, and		
(b) the offender does not hold a master licence		

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty—Holder of master licence class MA or class MB</b>	<b>Penalty—Otherwise</b>
Section 7(1)—where— (a) the offence is committed by a corporation, and (b) the offender provides more persons on any one day than the number of persons authorised by the offender’s master licence	\$11,000	\$11,000
Section 7(1)—where— (a) the offence is committed by an individual, and (b) the offender provides more persons on any one day than the number of persons authorised by the offender’s master licence	\$5,500	\$5,500
Section 7(2)	—	\$5,500
Section 27A(3)—where the offence is committed by a corporation	\$550	\$2,200
Section 27A(3)—where the offence is committed by an individual	\$275	\$1,100
Section 29B(1)	—	\$2,750
Section 30—where the offence is a contravention of a Tier 1 condition by a corporation	\$275	\$1,100
Section 30—where the offence is a contravention of a Tier 1 condition by an individual	\$135	\$550
Section 30—where the offence is a contravention of a Tier 2 condition by a corporation	\$550	\$2,200
Section 30—where the offence is a contravention of a Tier 2 condition by an individual	\$275	\$1,100
Section 30—where the offence is a contravention of a Tier 3 condition by a corporation	\$1,375	\$5,500
Section 30—where the offence is a contravention of a Tier 3 condition by an individual	\$685	\$2,750
Section 31—where the offence is committed by a corporation	\$550	\$2,200
Section 31—where the offence is committed by an individual	\$275	\$1,100

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty—Holder of master licence class MA or class MB</b>	<b>Penalty—Otherwise</b>
Section 32(1)—where the offence is committed by a corporation	—	\$5,500
Section 32(1)—where the offence is committed by an individual	—	\$2,750
Section 32(2)—where the offence is committed by a corporation	\$275	\$1,100
Section 32(2)—where the offence is committed by an individual	\$135	\$550
Section 33(1)—where the offence is committed by a corporation	\$1,375	\$5,500
Section 33(1)—where the offence is committed by an individual	\$685	\$2,750
Section 33(2)—where the offence is committed by a corporation	\$550	\$2,200
Section 33(2)—where the offence is committed by an individual	\$275	\$1,100
Section 34	\$135	\$550
Section 35(1)	\$135	\$550
Section 36(1)	—	\$550
Section 37—where the offence is committed by a corporation	\$550	\$2,200
Section 37—where the offence is committed by an individual	\$275	\$1,100
Section 38(1)	\$110	\$440
Section 38A(1)—where the offence is committed by a corporation	\$1,375	\$5,500
Section 38A(1)—where the offence is committed by an individual	\$685	\$2,750
Section 38A(2)—where the offence is committed by a corporation	\$550	\$2,200
Section 38A(2)—where the offence is committed by an individual	\$275	\$1,100
Section 38C(1)	—	\$1,100
Section 39(1)—where the offence is committed by a corporation	\$2,750	\$11,000
Section 39(1)—where the offence is committed by an individual	\$1,375	\$5,500

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty—Holder of master licence class MA or class MB</b>	<b>Penalty—Otherwise</b>
Section 39A(1) and (2)—where the offence is committed by a corporation	\$1,375	\$5,500
Section 39A(1) and (2)—where the offence is committed by an individual	\$685	\$2,750
Section 39B—where the offence is committed by a corporation	\$275	\$1,100
Section 39B—where the offence is committed by an individual	\$135	\$550
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 39S	\$1,375	\$5,500
Section 39T	\$1,375	\$5,500
Section 39U(1)	\$1,375	\$5,500
Section 39V	\$1,375	\$5,500
Section 39W	\$1,375	\$5,500
Section 39X	\$1,375	\$5,500
<b>Offences under this regulation</b>		
Clause 19(1)—where the offence is committed by a corporation	\$110	\$440
Clause 19(1)—where the offence is committed by an individual	\$25	\$110
Clause 40(5)	—	\$110
Clause 40(6)—where the offence is committed by a corporation	\$275	\$1,100
Clause 40(6)—where the offence is committed by an individual	\$135	\$550
Clause 40(8)—where the offence is committed by a corporation	\$550	\$2,200
Clause 40(8)—where the offence is committed by an individual	\$275	\$1,100
Clause 42	\$685	\$2,750