



New South Wales

Security Industry Amendment (Licences) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Security Industry Act 1997* (the *principal Act*) to resolve an inconsistency between the principal Act and Australia's international trade commitments under the General Agreement on Trade in Services (*GATS*) by allowing persons who hold certain visas entitling them to work in Australia to apply for a licence under the principal Act.

The Bill also makes minor and consequential amendments to the principal Act and to the *Firearms Act 1996*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Security Industry Act 1997 No 157

Schedule 1 [2] modifies a restriction on granting licences under the principal Act so as to allow licences to be granted to persons who hold visas entitling them to work in Australia (other than student visas or working holiday visas). Currently, only Australian citizens or permanent Australian residents may be granted licences. The object of the amendment is to resolve an inconsistency between the principal Act and Australia's commitments under, and in the context of, the GATS. **Schedule 1 [3]** inserts consequential definitions.

Schedule 1 [1] removes a requirement for certain information and particulars required for making an application for a licence under the principal Act to be lodged with the application form.

Schedule 1 [4] exempts a licensee from having to produce or wear a licence that has become illegible, during the period between lodging an application for a replacement licence and the issuing of the replacement licence.

Schedule 1 [6] modifies a regulation-making power relating to the wearing of, and the character or design of, licensees' uniforms and the markings on, and design of features of, vehicles used in carrying on security activities, to make it clear that the regulations may provide for the making of determinations (including determinations by the Commissioner of Police) in relation to those subject matters. **Schedule 1 [5]** omits the existing regulation-making power in relation to those subject matters.

Schedule 1 [7] enables savings and transitional regulations to be made as a consequence of the proposed Act or any other Act that amends the principal Act.

Schedule 2 Amendment of Firearms Act 1996 No 46

Schedule 2 provides for regulations under the *Firearms Act 1996* to determine the requirements for direct supervision for the purposes of a statutory condition imposed on a provisional pistol (business/employment) licence under that Act which requires licensees to be under the direct supervision of certain competent persons for the first 6 months of the term of the licence.

First print



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New South Wales

Security Industry Amendment (Licences) Bill 2013

No. , 2013

A Bill for

An Act to amend the *Security Industry Act 1997* and the *Firearms Act 1996* to make further provision with respect to licensing; and for related purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Security Industry Amendment (Licences) Act 2013</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5

Schedule 1	Amendment of Security Industry Act	1
	1997 No 157	2
[1]	Section 14 Application for licence	3
	Omit section 14 (2). Insert instead:	4
	(2) An application must be in the approved form and:	5
	(a) be accompanied by the fee prescribed by the regulations,	6
	and	7
	(b) be supported by such information and particulars as may	8
	be prescribed by the regulations.	9
[2]	Section 15 Restrictions on granting licence—general suitability criteria	10
	Insert “, or holds a visa that entitles the applicant to work in Australia (other	11
	than a student visa or a working holiday visa)” after “resident” in	12
	section 15 (1) (f).	13
[3]	Section 15 (8)	14
	Insert after section 15 (7):	15
	(8) In this section:	16
	<i>student visa</i> means a student visa issued under the <i>Migration Act</i>	17
	<i>1958</i> of the Commonwealth.	18
	<i>working holiday visa</i> means a working holiday visa or a work	19
	and holiday visa issued under the <i>Migration Act 1958</i> of the	20
	Commonwealth.	21
[4]	Sections 35 (2) and 36 (3)	22
	Insert “or become illegible” after “mutilated” wherever occurring.	23
[5]	Section 48 Regulations	24
	Omit section 48 (2) (e) (ii) and (iii).	25
[6]	Section 48 (2) (e1)	26
	Insert after section 48 (2) (e):	27
	(e1) the making of determinations (including by the	28
	Commissioner) in relation to:	29
	(i) the wearing by licensees of uniforms and the	30
	character or design of any uniforms so worn, or	31
	(ii) the markings that may be made on, and the design of	32
	any features of, a vehicle used by any person in or in	33

Security Industry Amendment (Licences) Bill 2013

Schedule 1 Amendment of Security Industry Act 1997 No 157

connection with the carrying on of any security activity, 1
2

[7] Schedule 2 Savings and transitional provisions 3

Insert at the end of clause 1 (1): 4

any Act that amends this Act 5

Schedule 2 Amendment of Firearms Act 1996 No 46

1

Section 16C Provisional pistol (business/employment) licences

2

Insert “(as determined in accordance with the regulations)” after “direct supervision” in section 16C (2) (d).

3

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