



New South Wales

Security Industry Amendment Bill 2022

Explanatory note

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

Overview of Bill

The objects of this Bill are—

- (a) to make miscellaneous amendments to—
 - (i) the *Security Industry Act 1997*, and
 - (ii) the *Security Industry Regulation 2016*, and
- (b) to insert new offences into the *Tattoo Parlours Act 2012*.

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.

Schedule 1 Amendment of Security Industry Act 1997 No 157

Schedule 1[2] updates the definition of *providing persons* to carry on a security activity in the *Security Industry Act 1997* (the *principal Act*) to extend the definition to a person who acts through another person.

Schedule 1[3] permits the regulations under the principal Act to prescribe activities that are not security activities. This enables the exclusion of health screening at a hospital which is prescribed by Schedule 2[2].

Schedule 1[4]–[6] update the definition of *crowd controller*, expand the places at which crowd controller functions are exercised and clarify that controlling or monitoring the behaviour of persons is only a function of a crowd controller if it is done to maintain order.

Schedule 1[7] inserts a definition of *sell* to clarify what is covered by the security activity of selling security and other equipment.

Schedule 1[9] authorises the Commissioner of Police (the *Commissioner*) to exempt persons from the requirement to hold a licence to carry on a security activity or to provide persons to carry on a security activity. **Schedule 1[8]** makes a consequential amendment.

Schedule 1[10] clarifies that the holder of a master licence class MA must be an individual.

Schedule 1[11] and [12] remove the minimum number of persons covered by master licences so that the licences apply to a maximum number of persons only.

Schedule 1[13] provides that every master licence authorises the holder to also be able to carry on the activities authorised by a class 2B licence, which relates to selling, acting as an agent for or brokering the sale of security equipment or security services. **Schedule 1[14]** makes a consequential amendment.

Schedule 1[15] combines the licence for the security activities of patrol, protect or guard property while unarmed and act as a crowd controller. These were previously separate licence classes.

Schedule 1[16] introduces a new class of licence for the security activity of patrol, protect or guard cash-in-transit. **Schedule 1[17]** makes a consequential amendment that makes clear that certain other licences do not authorise the licensee to patrol, protect or guard cash-in-transit.

Schedule 1[18] amends the grounds for refusing an application for a licence to include being a registrable person under the *Child Protection (Offenders Registration) Act 2000* who has reporting obligations under that Act. It also updates references to visa categories. **Schedule 1[19]** makes a consequential amendment.

Schedule 1[20] permits the Commissioner to prohibit a person from making an application for a licence for 2 years if the person makes an application for a licence and in considering the application the Commissioner is not satisfied the person is a fit and proper person or considers granting the licence would be contrary to the public interest.

Schedule 1[21] and [25] update requirements around the provision of fingerprints, palm prints and photographs for the purposes of licences to take account of the role of Service NSW.

Schedule 1[26] provides that the holder of a master licence must not provide an ineligible person to carry on prescribed work. A person is an ineligible person if the person is not eligible to hold a licence because of criminal or related history or because the person has had a licence refused or revoked on grounds of public interest or the person not being a fit or proper person. *Prescribed work* means work in the cash-in-transit sector of the security industry, work involving access to operational information or rostering or monitoring activities carried on under a class 1 or class 2 licence. **Schedule 1[43]** makes an equivalent preventing an ineligible person from carrying on prescribed work.

Schedule 1[26] also imposes requirements on the holder of a master licence to ensure that—

- (a) when providing persons to carry on a security activity with a dog, the holder has the Commissioner's approval, and
- (b) when entering an arrangement with another person for the provision of persons to carry on security activities, the other person has an appropriate licence or permit.

Schedule 1[29] clarifies when a licence comes into force.

Schedule 1[30], [31], [33], [34], [36], [37], [41], [44] and [45] update penalties for various offences against the principal Act.

Schedule 1[32] introduces a tiered penalty system for breaches of licence conditions. **Schedule 1[1], [22]–[24], [27] and [28]** make consequential amendments.

Schedule 1[35] provides that an electronic advertisement for a security activity carried on by a licensee is not required to contain the licence number of the licensee if the number is readily and freely able to be accessed from the advertisement by direct electronic link.

Schedule 1[39], [40] and [42] remove a requirement that the written agreement of a client who has entered a contract with the holder of a master licence be in the original contract. The written agreement can now be in a separate document. **Schedule 1[38]** omits redundant words.

Schedule 1[46] and [47] move offences of obstruction or failing to comply with requirements of enforcement officers into a new Part 3C and increase the penalty for the offences. The proposed amendments also introduce offences of altering, damaging or destroying records, providing false or misleading information, conspiracy and inducing the commission of certain offences.

Schedule 1[48] permits the Commissioner to make information publicly available about an offence committed under the principal Act or the revocation of a licence.

Schedule 1[49] provides for a reduced maximum monetary penalty for offences committed against the principal Act or the regulations if the offence is committed by the holder of a master licence class MA or class MB.

Schedule 1[50] increases the maximum penalty for an offence created by the regulations under the principal Act.

Schedule 1[51] inserts a number of saving and transitional provisions consequent on the amendments made to the principal Act by the proposed Act.

Schedule 2 Amendment of Security Industry Regulation 2016

Schedule 2[2] provides that the conduct of health screening, including health screening conducted as a condition of entry to a venue, is not a security activity. **Schedule 2[1]** makes a consequential amendment.

Schedule 2[3] enables the Commissioner to exempt a person who is not an Australian citizen or a permanent Australian resident from the requirement to hold a class 2A security licence (Security Consultant) if the Commissioner is satisfied the person has specialised skills or experience not readily available in Australia.

Schedule 2[4], [6] and [7] make amendments consequential on the tiered penalty system for breaches of licence conditions introduced by Schedule 1[32].

Schedule 2[5] updates a note.

Schedule 2[8]–[11] update penalties for various offences against the regulations.

Schedule 2[12] exempts a person employed as a medical practitioner at a hospital from the operation of the *Security Industry Act 1997*.

Schedule 3 Amendment of Tattoo Parlours Act 2012 No 32

Schedule 3 introduces new offences into the *Tattoo Parlours Act 2012* of altering, damaging or destroying records, providing false or misleading information, conspiracy and inducing the commission of certain offences. These are in line with the new offences inserted in the *Security Industry Act 1997* by Schedule 1[47].



New South Wales

Security Industry Amendment Bill 2022

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New South Wales

Security Industry Amendment Bill 2022

No. _____, 2022

A Bill for

An Act to make miscellaneous amendments to the *Security Industry Act 1997* and the *Security Industry Regulation 2016*; and to include new offences in the *Tattoo Parlours Act 2012*.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Security Industry Amendment Act 2022*.

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 1997 No 157	1
[1] Section 3 Definitions		2
	Insert in alphabetical order in section 3(1)—	3
	<i>Tier 1 condition, Tier 2 condition</i> or <i>Tier 3 condition</i> of a licence—see section 30.	4 5
[2] Section 3(1), definition of “providing persons”		6
	Omit the definition. Insert instead—	7
	<i>provide persons</i> , to carry on a security activity, means—	8
	(a) directly providing persons to carry on the security activity, including by employing or subcontracting the persons, or	9 10
	(b) indirectly providing the persons to carry on the security activity through an arrangement with another person, including by contract, franchise or otherwise.	11 12 13
[3] Section 4 Carrying on a “security activity”		14
	Insert after section 4(1)—	15
	(1A) The regulations may prescribe activities that are not security activities.	16
[4] Section 4(2), definition of “crowd controller”		17
	Omit “a person who, in respect of any licensed premises (within the meaning of the <i>Liquor Act 2007</i>), public entertainment venue or public or private event or function, as part of his or her regular duties performs for remuneration any of the following functions”.	18 19 20
	Insert instead “a person who, for remuneration, exercises one or more of the following functions at a relevant place as part of the person’s regular duties”.	21 22
[5] Section 4(2), definition of “crowd controller”, paragraph (a)		23
	Insert “to maintain order” after “persons”.	24
[6] Section 4(2), definition of “relevant place”		25
	Insert in alphabetical order—	26
	<i>relevant place</i> means the following places, but does not include a place prescribed by the regulations as not being a relevant place—	27 28
	(a) licensed premises within the meaning of the <i>Liquor Act 2007</i> ,	29
	(b) a public entertainment venue,	30
	(c) a place at which a public or private event or function is held,	31
	(d) a hospital,	32
	(e) a quarantine facility,	33
	(f) retail premises,	34
	(g) a public place.	35
[7] Section 4(2), definition of “sell”		36
	Insert in alphabetical order—	37
	<i>sell</i> includes hire, lease and offer to sell, hire or lease.	38
[8] Section 6 Application of Act		39
	Omit section 6(2B)–(3).	40

[9] Section 6AA	1
Insert after section 6—	2
6AA Exemptions by Commissioner	3
(1) The Commissioner may exempt a person or class of persons from the requirement to hold a licence under section 7(1) or (2) to—	4
(a) provide persons to carry on a security activity, or	5
(b) carry on a security activity.	6
(2) An exemption for a person may be granted—	7
(a) on application by the person, and	8
(b) by written notice given to the person.	9
(3) An exemption for a class of persons is granted by notice published on the NSW Police Force website.	10
(4) An exemption may be subject to conditions.	11
(5) The Commissioner may revoke an exemption at any time.	12
(6) The regulations may—	13
(a) prescribe grounds or other requirements for the granting of an exemption, and	14
(b) prescribe a fee to be paid to the Commissioner on the making of an application for an exemption.	15
[10] Section 10 Master licences	16
Omit section 10(1)(a). Insert instead—	17
(a) class MA—authorises the holder, who is a self-employed individual and who holds a class 1 or class 2 licence, or both, to provide the holder’s services to carry on security activities,	18
	19
[11] Section 10(1)(c)	20
Omit “between 4 and 14 persons”. Insert instead “no more than 14 persons”.	21
[12] Section 10(1)(d)	22
Omit “between 15 and 49 persons”. Insert instead “no more than 49 persons”.	23
[13] Section 10(2)	24
Insert after section 10(1)—	25
(2) Each class of master licence also authorises the holder to carry on the security activities authorised under a class 2B licence.	26
	27
[14] Section 10(3)	28
Omit the subsection.	29
[15] Section 11 Class 1 licences	30
Omit section 11(1)(a). Insert instead—	31
(a) class 1A—authorises the licensee to carry on the following activities—	32
(i) to patrol, protect or guard property while unarmed, whether while static or mobile, and	33
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	(ii) to act as a crowd controller or in a similar capacity,	1
[16]	Section 11(1)(c)	2
	Omit the paragraph. Insert instead—	3
	(c) class 1C—authorises the licensee to patrol, protect or guard cash-in-transit,	4 5
[17]	Section 11(4)	6
	Insert after section 11(3)—	7
	(4) A class 1A licence or a class 1F licence does not authorise the licensee to patrol, protect or guard cash-in-transit.	8 9
[18]	Section 15 Restrictions on granting licence—general suitability criteria	10
	Omit section 15(1) and (2C). Insert instead—	11
	(1) The Commissioner must refuse to grant an application for a licence if—	12
	(a) the applicant is under 18 years of age, or	13
	(b) the applicant—	14
	(i) is a registrable person or corresponding registrable person within the meaning of the <i>Child Protection (Offenders Registration) Act 2000</i> , and	15 16 17
	(ii) has reporting obligations under that Act, or	18
	(c) the applicant has supplied information—	19
	(i) in, or in connection with, the application, and	20
	(ii) that is, to the applicant’s knowledge, false or misleading in a material particular, or	21 22
	(d) the applicant is not an Australian citizen or a permanent Australian resident and does not hold—	23 24
	(i) a visa for which the applicant has been sponsored by the holder of a master licence, or	25 26
	(ii) a visa for a skilled occupation to which the activities authorised by the proposed licence correspond, or	27 28
	(e) the applicant is prohibited under section 16B from making the application, or	29 30
	(f) the Commissioner is not satisfied that the applicant—	31
	(i) is a fit and proper person to hold the class of licence sought by the applicant, or	32 33
	(ii) has the approved competencies and experience, or	34
	(iii) has undertaken and completed the training, assessment and instruction approved for the class of licence sought by the applicant, or	35 36 37
	(iv) is competent to carry on the security activity to which the proposed licence relates.	38 39
[19]	Section 15(8)	40
	Omit the subsection.	41
[20]	Section 16B	42
	Insert after section 16A—	43

16B Prohibition from making application for licence	1
(1) The Commissioner may prohibit a person from making an application for a licence if—	2
	3
(a) the person makes an application for a licence, and	4
(b) in considering the application, the Commissioner—	5
(i) is not satisfied the person is a fit and proper person to hold the class of licence sought, or	6
	7
(ii) considers the grant of the licence would be contrary to the public interest.	8
	9
(2) The Commissioner must give the person written notice of the prohibition.	10
(3) The person is prohibited from making an application for a licence while the prohibition is in force against the person.	11
	12
(4) The prohibition—	13
(a) remains in force for 2 years, and	14
(b) commences—	15
(i) when the person is given the notice, or	16
(ii) if the person seeks a review of the decision to refuse the application—when the review and any related appeals are finally determined.	17
	18
	19
(5) If a review or appeal overturns the decision to refuse the application, the prohibition is taken never to have been in force against the person.	20
	21
[21] Section 18 Investigation of licence and renewal applications	22
Omit section 18(2) and (3). Insert instead—	23
(2) To confirm the identity of an applicant for a licence, the Commissioner may require the applicant to do the following within the period specified by the Commissioner—	24
	25
	26
(a) attend a Service NSW service centre and allow Service NSW to take a photograph of the applicant,	27
	28
(b) permit an authorised officer to do one or more of the following—	29
(i) take the applicant’s fingerprints,	30
(ii) take the applicant’s palm prints,	31
(iii) take a photograph of the applicant.	32
(3) If the applicant does not comply with the Commissioner’s requirement within the specified period, the application is taken to be withdrawn.	33
	34
[22] Section 20 Commissioner may require further information	35
Omit “It is a condition” from section 20(7). Insert instead “It is a Tier 1 condition”.	36
[23] Section 21 Grant and conditions of licence and renewal of licence	37
Insert after section 21(3)—	38
(4) A condition imposed under this section is a Tier 2 condition unless a different tier for the condition is specified—	39
	40
(a) by this Act for a condition imposed by this Act, or	41
(b) by the regulations for a condition imposed by the regulations, or	42
(c) by the Commissioner for a condition imposed by the Commissioner.	43

[24] Sections 21A(1) and 23A(1)–(3)	1
Omit “It is a condition” wherever occurring. Insert instead “It is a Tier 2 condition”.	2
[25] Section 22 Form of licence	3
Omit section 22(3)–(5). Insert instead—	4
(3) A class 1 or class 2 licence must contain—	5
(a) a photograph of the licensee taken by Service NSW, and	6
(b) the signature of the licensee.	7
(4) The Commissioner may decide that a master licence must contain either or both of the following—	8
(a) a recent photograph of the licensee obtained in accordance with arrangements decided by the Commissioner,	10
(b) the signature of the licensee.	11
[26] Sections 22A and 23	13
Omit section 23. Insert instead—	14
22A Special condition for provision of workers—master licences	15
(1) It is a Tier 3 condition of every master licence that the licensee must not provide an ineligible person to carry on prescribed work.	16
(2) The licensee does not breach the condition if, after having made thorough inquiries, the licensee—	18
(a) did not know that the person was an ineligible person, and	20
(b) could not reasonably have been expected to know.	21
(3) A person is an <i>ineligible person</i> if the person—	22
(a) is not eligible to hold a licence because of section 16, or	23
(b) has, in the previous 5 years, been refused a licence because the Commissioner—	24
(i) was not satisfied the person was a fit and proper person to hold the class of licence, or	26
(ii) considered the grant of the licence would be contrary to the public interest, or	28
(c) has, in the previous 5 years, had a licence revoked under section 26(1A) because the Commissioner was satisfied that a new licence would have been refused because the Commissioner—	30
(i) would not have been satisfied the person was a fit and proper person to hold the class of licence, or	33
(ii) would have considered the grant of the licence was contrary to the public interest.	35
(4) Subsection (3) does not apply to a refusal or revocation if—	37
(a) the decision to refuse or revoke the licence is overturned, or	38
(b) a licence is subsequently granted to the person.	39
(5) In this section—	40
<i>prescribed work</i> means the following—	41
(a) work in the cash-in-transit sector of the security industry,	42

(b)	work in any area involving access to operational information relating to the licensee’s security business,	1
		2
(c)	work requiring the person to—	3
(i)	roster or schedule the carrying on of any security activity by a person who holds a class 1 or class 2 licence, or	4
		5
(ii)	monitor the performance of a person who holds a class 1 or class 2 licence in carrying on a security activity	6
		7
23	Other special conditions—master licences	8
(1)	It is a Tier 3 condition of every master licence that the master licensee must not provide persons to carry on a security activity with a dog except with the approval of the Commissioner.	9
		10
		11
(2)	It is a Tier 3 condition of every master licence that the licensee must not indirectly provide persons to carry on a security activity through an arrangement with another person, including by contract, franchise or otherwise, unless the other person holds—	12
		13
		14
		15
(a)	a master licence, or	16
(b)	a visitor permit authorising the holder to carry on security activities of a kind authorised by a master licence.	17
		18
[27]	Sections 23AA(1) and 23B(1) and (2)	19
	Omit “It is a condition” wherever occurring. Insert instead “It is a Tier 3 condition”.	20
[28]	Section 23E Special conditions—class 1 licences	21
	Omit “the condition”. Insert instead “a Tier 3 condition”.	22
[29]	Section 24 Term of licence	23
	Omit section 24(1A) and (1AA). Insert instead—	24
(1A)	A licence comes into force—	25
(a)	for a class 1 or class 2 licence—when the photograph of the licence holder is taken by Service NSW for the licence, or	26
		27
(b)	for a master licence—on the date specified on the licence.	28
[30]	Section 27A Provision of approved training, assessment and instruction	29
	Omit the penalty provision from section 27A(3). Insert instead—	30
	Maximum penalty—	31
(a)	for a corporation—200 penalty units, or	32
(b)	for an individual—100 penalty units.	33
[31]	Section 29B Certain licensees must be employed by other licensees or visitor permit holders	34
		35
	Omit the penalty provision from section 29B(1). Insert instead—	36
	Maximum penalty—250 penalty units or imprisonment for 12 months, or both.	37
		38
[32]	Section 30	39
	Omit the section. Insert instead—	40

30	Contravention of licence conditions	1
(1)	A condition of a licence is a Tier 1, Tier 2 or Tier 3 condition.	2
(2)	A licensee must not contravene a condition of the licence.	3
	Maximum penalty—	4
(a)	Tier 1 condition—	5
	(i) for a corporation—100 penalty units, or	6
	(ii) for an individual—50 penalty units, and	7
(b)	Tier 2 condition—	8
	(i) for a corporation—200 penalty units, or	9
	(ii) for an individual—100 penalty units or imprisonment for 6 months, or both, and	10
		11
(c)	Tier 3 condition—	12
	(i) for a corporation—500 penalty units, or	13
	(ii) for an individual—250 penalty units or imprisonment for 12 months, or both.	14
		15
[33]	Section 32 Advertising	16
	Omit the penalty provision from section 32(1). Insert instead—	17
	Maximum penalty—	18
(a)	for a corporation—500 penalty units, or	19
(b)	for an individual—250 penalty units or imprisonment for 6 months, or both.	20
		21
[34]	Section 32(2)	22
	Omit the penalty provision. Insert instead—	23
	Maximum penalty—	24
(a)	for a corporation—100 penalty units, or	25
(b)	for an individual—50 penalty units.	26
[35]	Section 32(3) and (4)	27
	Omit section 32(3). Insert instead—	28
(3)	An electronic advertisement is not required to contain the number of a licence if members of the public are readily and freely able to find the number of the licence by using a direct electronic link from the electronic advertisement.	29
		30
		31
(4)	In this section—	32
	<i>advertisement</i> includes a notice or statement in the form of an advertisement.	33
	<i>electronic advertisement</i> includes an advertisement—	34
(a)	online, including on social media, or	35
(b)	sent by electronic means, including by SMS or email.	36
[36]	Section 33 Misrepresentation and related offences	37
	Omit the penalty provision from section 33(1). Insert instead—	38
	Maximum penalty—	39
(a)	for a corporation—500 penalty units, or	40

	(b) for an individual—250 penalty units or imprisonment for 6 months, or both.	1 2
[37]	Section 33(2)	3
	Omit the penalty provision. Insert instead—	4
	Maximum penalty—	5
	(a) for a corporation—200 penalty units, or	6
	(b) for an individual—100 penalty units.	7
[38]	Section 38A Prohibition on unauthorised subcontracting	8
	Omit “on or after the commencement of this section” from section 38A(1).	9
[39]	Section 38A(1)(a)	10
	Omit “in the contract”. Insert instead “in writing with the principal”.	11
[40]	Section 38A(1)(b) and (2)(b)	12
	Insert “a written notice of” after “provides” wherever occurring.	13
[41]	Section 38A(1)	14
	Omit the penalty provision. Insert instead—	15
	Maximum penalty—	16
	(a) for a corporation—500 penalty units, or	17
	(b) for an individual—250 penalty units or imprisonment for 6 months, or both.	18 19
[42]	Section 38A(2)(a)	20
	Omit “in the contract”. Insert instead “in writing”.	21
[43]	Section 38C	22
	Omit the section. Insert instead—	23
38C	Prescribed work	24
	(1) A person must not, for fee or reward, carry on prescribed work if the person—	25
	(a) is not eligible to hold a licence because of section 16, or	26
	(b) has, in the previous 5 years, been refused a licence because the Commissioner—	27 28
	(i) was not satisfied the person was a fit and proper person to hold the class of licence, or	29 30
	(ii) considered the grant of the licence would be contrary to the public interest, or	31 32
	(c) has, in the previous 5 years, had a licence revoked under section 26(1A) because the Commissioner was satisfied that a new licence would have been refused because the Commissioner—	33 34 35
	(i) would not have been satisfied the person was a fit and proper person to hold the class of licence, or	36 37
	(ii) would have considered the grant of the licence was contrary to the public interest.	38 39
	Maximum penalty—100 penalty units or imprisonment for 6 months, or both.	40

(2)	Subsection (1) does not apply to a refusal or revocation if—	1
(a)	the decision to refuse or revoke the licence is overturned, or	2
(b)	a licence is subsequently granted to the person.	3
(3)	In this section—	4
	<i>prescribed work</i> means the following—	5
(a)	work in the cash-in-transit sector of the security industry,	6
(b)	work in any area involving access to operational information relating to the licensee’s security business,	7
(c)	work requiring the person to—	9
(i)	roster or schedule the carrying on of any security activity by a person who holds a class 1 or class 2 licence, or	10
(ii)	monitor the performance of a person who holds a class 1 or class 2 licence in carrying on a security activity.	11
[44]	Section 39A Master licensee to submit any firearms for ballistics tests	14
	Omit the penalty provisions from section 39A(1) and (2). Insert instead—	15
	Maximum penalty—	16
(a)	for a corporation—500 penalty units, or	17
(b)	for an individual—250 penalty units or imprisonment for 12 months, or both.	18
[45]	Section 39B Master licensee to have “fitness for work” policy	20
	Omit the penalty provision. Insert instead—	21
	Maximum penalty—	22
(a)	for a corporation—100 penalty units, or	23
(b)	for an individual—50 penalty units.	24
[46]	Section 39L Obstruction etc	25
	Omit the section.	26
[47]	Part 3C	27
	Insert after Part 3B—	28
	Part 3C Other offences	29
39S	Offence of obstructing enforcement officer	30
	A person must not obstruct, hinder or interfere with an enforcement officer in the exercise of a function under this Act.	31
	Maximum penalty—500 penalty units or imprisonment for 2 years, or both.	32
39T	Offence of failing to comply with requirement of enforcement officer	34
	A person must not fail, without reasonable excuse, to comply with any requirement made of the person by an enforcement officer in the exercise of a function under this Act.	35
	Maximum penalty—500 penalty units or imprisonment for 2 years, or both.	36
		37
		38

39U	Offence of altering, damaging or destroying records and other things	1
(1)	A person must not, without reasonable excuse, alter, damage or destroy a document or other thing—	2
	(a) required to be kept under this Act or the regulations, or	3
	(b) required to be produced or furnished under section 39K or 39O.	4
	Maximum penalty—500 penalty units or imprisonment for 2 years, or both.	5
	Note— See the <i>Interpretation Act 1987</i> , section 21, definition of document .	6
(2)	Subsection (1) extends to anything containing information required to be produced or furnished under section 39K or 39O, if the alteration, damage or destruction of the thing would prevent or limit the provision or furnishing of the information.	7
		8
		9
		10
		11
39V	Offence of providing false or misleading information	12
	A person must not provide information or do another thing in purported compliance with a requirement made under this Act or the regulations, knowing that it is false or misleading in a material respect.	13
	Maximum penalty—500 penalty units or imprisonment for 2 years, or both.	14
		15
		16
39W	Offence of conspiring to commit offence	17
	A person must not conspire with another person to commit an offence against this Part.	18
	Maximum penalty—500 penalty units or imprisonment for 2 years, or both.	19
		20
39X	Offence of inducing commission of offence	21
	A person must not induce or attempt to induce another person to commit an offence against this Part, including by the use of threats, intimidation, promises or offers.	22
	Maximum penalty—500 penalty units or imprisonment for 2 years, or both.	23
		24
		25
[48]	Part 3D	26
	Insert before Part 4—	27
	Part 3D Publication of information about offences	28
39Y	Commissioner may make information publicly available	29
(1)	The Commissioner may make information about the following publicly available on a website or in another publication—	30
	(a) an offence committed under this Act or the regulations,	31
	(b) the revocation of a licence.	32
(2)	This section does not apply to an offence dealt with by way of a penalty notice unless the amount of the penalty notice is more than \$5,000.	33
		34
		35
39Z	Information that may be made publicly available	36
	The information that may be made publicly available under this Part is—	37
	(a) for an offence—	38
	(i) the name of the person who committed the offence, and	39
	(ii) the offence committed, and	40
	(iii) the date of the offence, and	41

	(iv) the action taken by the NSW Police Force in relation to the offence, and	1 2
	(v) other information prescribed by the regulations, or	3
	(b) for the revocation of a licence—	4
	(i) the name of the person whose licence was revoked, and	5
	(ii) the reason for the revocation, and	6
	(iii) the date on which the licence was revoked, and	7
	(iv) other information prescribed by the regulations.	8
39ZA	When information may be made publicly available	9
(1)	The Commissioner must not make the information publicly available unless the proceedings for the offence or the steps to revoke the licence are finalised.	10 11
(2)	Proceedings for an offence dealt with by way of a penalty notice are taken to be finalised if the penalty notice amount has been paid.	12 13
(3)	Other proceedings for an offence are taken to be finalised if—	14
(a)	a court has made a finding that the person committed the offence, and	15
(b)	the finding has not been overturned because—	16
(i)	an appeal was made against the finding but—	17
(A)	the finding was upheld, or	18
(B)	the appeal was dismissed, or	19
(ii)	an appeal has not been made against the finding before the time for making the appeal expired.	20 21
(4)	The steps to revoke a licence are taken to be finalised if—	22
(a)	the licence has been revoked, and	23
(b)	an appeal has not been made against the decision to revoke the licence within 28 days after the decision took effect.	24 25
(5)	If an appeal is made against a decision to revoke a licence after the 28-day period, the Commissioner—	26 27
(a)	must remove information made publicly available about the revocation of the licence as soon as practicable, and	28 29
(b)	may make information about the revocation publicly available if—	30
(i)	the decision to revoke is upheld, or	31
(ii)	the appeal is dismissed.	32
[49]	Section 44A	33
	Insert after section 44—	34
44A	Maximum monetary penalty reduced for master licence class MA or MB	35
(1)	The maximum monetary penalty for an offence against this Act or the regulations is reduced by 75% if the offence is committed by the holder of a master licence class MA or class MB.	36 37 38
(2)	Subsection (1) does not apply to an offence against section 7(1)(b).	39
[50]	Section 48 Regulations	40
	Omit 48(3). Insert instead—	41

(3)	A regulation may create an offence with a maximum penalty of 250 penalty units.	1 2
[51] Schedule 2 Savings and transitional provisions		3
	Insert after Part 10—	4
Part 11 Provisions consequent on enactment of Security Industry Amendment Act 2022		5 6
42 Definition		7
	In this Part—	8
	<i>amending Act</i> means the <i>Security Industry Amendment Act 2022</i> .	9
43 Existing class 1C licence holders		10
(1)	On the commencement day, a class 1C licence that is in force immediately before the commencement becomes a class 1A licence (a <i>converted licence</i>).	11 12
(2)	The holder of a converted licence who carries on cash-in-transit activities before the commencement day may continue to carry on the activities until—	13 14
	(a) 6 months after the commencement day, or	15
	(b) if the holder applies for a class 1C licence within 6 months after the day—until the application is determined.	16 17
(3)	No application fee is payable for an application referred to in subclause (2)(b).	18
(4)	In this clause—	19
	<i>commencement day</i> means the day on which Schedule 1[16] of the amending Act commences.	20 21
44 Licences held by persons holding certain visas		22
(1)	This clause applies to a licence if—	23
	(a) the licence was validly granted and in force immediately before the substitution of section 15(1) by the amending Act, and	24 25
	(b) the licence could not be granted to the holder if the application for the licence were made immediately after the substitution because the holder—	26 27 28
	(i) is not an Australian citizen or a permanent Australian resident, and	29 30
	(ii) does not hold a visa referred to in section 15(1)(d)(i) or (ii).	31
(2)	The licence is not affected by the substitution and may be renewed as if the substitution had not occurred.	32 33
45 Licences held by registrable persons		34
(1)	This clause applies to a licence if—	35
	(a) the licence was validly granted and in force immediately before the substitution of section 15(1) by the amending Act, and	36 37
	(b) the licence could not be granted to the holder if the application for the licence were made immediately after the substitution because the holder—	38 39 40

- (i) is a registrable person or corresponding registrable person within the meaning of the *Child Protection (Offenders Registration) Act 2000*, and 1
 - (ii) has reporting obligations under that Act. 2
 - (2) The licence is not affected by the substitution and continues in force. 3
 - (3) However, the substitution applies when the licence is sought to be renewed. 4
- 5
- 6

Schedule 2	Amendment of Security Industry Regulation 2016	1
[1] Clause 5, heading		2
Omit the heading. Insert instead—		3
5 Activities that are security activities—the Act, s 4		4
[2] Clause 5A		5
Insert after clause 5—		6
5A Activities that are not security activities—the Act, s 4		7
For the Act, section 4(1A), the conduct of health screening, including health screening conducted as a condition of entry to a venue, is not a security activity.		8 9 10
[3] Clause 7		11
Omit the clause. Insert instead—		12
7 Exemptions—the Act, s 6AA(6)		13
(1) The Commissioner may grant an application for an exemption from the requirement to hold a class 2A security licence (Security Consultant) if the Commissioner is satisfied that the applicant—		14 15 16
(a) is not an Australian citizen or a permanent Australian resident, and		17
(b) has specialised skills or experience not readily available in Australia.		18
(2) The Commissioner may charge a fee of \$1,000 for an application referred to in this clause.		19 20
[4] Clauses 18, 27, 28(1), 29(1) and 33		21
Omit “condition” wherever occurring. Insert instead “Tier 1 condition”.		22
[5] Clause 18, note		23
Omit the note. Insert instead—		24
Note— Clause 30 requires the holder of a master licence to notify the Commissioner of a change in the particulars relating to a close associates of the licence holder.		25 26
[6] Clauses 24(1) 30(1), 31, 32(1) and (2), 34(1) and (4) and 35(1)–(4)		27
Omit “condition” wherever occurring. Insert instead “Tier 2 condition”.		28
[7] Clause 36 Vehicles used for cash-in-transit activities		29
Omit “condition” wherever occurring in clause 36(1) and (2).		30
Insert instead “Tier 3 condition”.		31
[8] Clause 40 Uniforms and vehicle markings		32
Omit the penalty provision from clause 40(6). Insert instead—		33
Maximum penalty—		34
(a) for a corporation—100 penalty units, or		35
(b) for an individual—50 penalty units.		36

[9] Clause 40(8)	1
Omit the penalty provision. Insert instead—	2
Maximum penalty—	3
(a) for a corporation—200 penalty units, or	4
(b) for an individual—100 penalty units.	5
[10] Clause 41 Security recordings	6
Omit the penalty provision from clause 41(1). Insert instead—	7
Maximum penalty—100 penalty units.	8
[11] Clause 42 Offence of impersonating a licensee	9
Omit the penalty provision from clause 42. Insert instead—	10
Maximum penalty—250 penalty units.	11
[12] Schedule 1 Exempt persons	12
insert after item 38—	13
39 A person employed as a medical practitioner at a hospital and acting in that capacity.	14
	15

Schedule 3	Amendment of Tattoo Parlours Act 2012 No 32	1
Sections 35A–35C		2
Insert after section 35—		3
35A	Offence of altering, damaging or destroying records and other things	4
(1)	A person must not, without reasonable excuse, alter, damage or destroy a document or other thing—	5
(a)	required to be kept under this Act or the regulations, or	6
(b)	required to be provided, produced or furnished under section 19A or 30C.	7
	Maximum penalty—20 penalty units.	8
	Note— See the <i>Interpretation Act 1987</i> , section 21, definition of document .	9
(2)	Subsection (1) extends to anything containing information required to be provided under section 19A, if the alteration, damage or destruction of the thing would prevent or limit the provision of the information.	10
35B	Offence of providing false or misleading information	11
	A person must not provide information or do another thing in purported compliance with a requirement made under this Act or the regulations, knowing that it is false or misleading in a material respect.	12
	Maximum penalty—20 penalty units.	13
35C	Offence of conspiring to commit offence	14
	A person must not conspire with another person to commit an offence against section 35A or 35B.	15
	Maximum penalty—20 penalty units.	16
35D	Offence of inducing commission of offence	17
	A person must not induce or attempt to induce another person to commit an offence against section 35A or 35B, including by the use of threats, intimidation, promises or offers.	18
	Maximum penalty—20 penalty units.	19