



New South Wales

Security Industry Amendment (Consequential Amendments) Regulation 2013

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*.

MICHAEL GALLACHER, MLC
Minister for Police and Emergency Services

Explanatory note

The object of this Regulation is to amend the *Security Industry Regulation 2007* as a consequence of the enactment of the *Security Industry Amendment (Licences) Act 2013*, as follows:

- (a) to require an application for a security licence to include proof that the applicant is a holder of a working visa (other than a student or working holiday visa) if the applicant is applying on that basis,
- (b) to extend the time for lodging certain information required to support an application for a class 1 or class 2 security licence,
- (c) to omit the requirement for an applicant for a master licence or visitor permit who is a corporation to include its Australian Company Number in the application,
- (d) to provide for the Commissioner of Police to make determinations in relation to uniforms to be worn and vehicles to be used in connection with the carrying on of security activities.

This Regulation is made under the *Security Industry Act 1997*, including sections 14 (2) (b) and 48 (the general regulation-making power), in particular, section 48 (2) (e1).

Security Industry Amendment (Consequential Amendments) Regulation 2013

under the

Security Industry Act 1997

1 Name of Regulation

This Regulation is the *Security Industry Amendment (Consequential Amendments) Regulation 2013*.

2 Commencement

This Regulation commences on 9 December 2013 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Security Industry Regulation 2007

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

Australian Business Number means an ABN (Australian Business Number) within the meaning of section 41 of the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

[2] Clause 13 Information and particulars supporting licence application: section 14 (2) (b)

Insert “be supported by and (subject to subclause (1A))” after “must” in clause 13 (1).

[3] Clause 13 (1) (c), (2) (c), (3) (c) (i) and (4) (c) (i)

Insert “or the holder of a visa that entitles the applicant to work in Australia (other than a student visa or a working holiday visa),” after “resident,” wherever occurring.

[4] Clause 13 (1A)

Insert after clause 13 (1):

- (1A) The information referred to in subclause (1) (e) may be included in the application or lodged separately (in accordance with clause 8, if by post) within 42 days after the application is lodged.

[5] Clauses 13 (3) (b) and 38B (2) (b)

Omit “and Australian Company Number” wherever occurring.

[6] Clause 40 Uniforms and vehicle markings

Omit clause 40 (1) and (2). Insert instead:

- (1) The Commissioner may determine:
- (a) the character and design of uniforms to be worn in connection with the carrying on of security activities (including in connection with carrying on specified security activities), and
 - (b) the markings that may be made on, and the design of any specified features of, vehicles used in connection with the carrying on of security activities.

[7] Clause 40 (3)

Renumber the subclause as subclause (2).

[8] Clause 40 (2) (as renumbered by item [7])

Omit “guidelines are”. Insert instead “determination is”.

[9] Clause 40 (2A) and (3)

Insert after clause 40 (2) (as renumbered by item [7]):

- (2A) A determination is to be published in the Gazette by the Commissioner and takes effect on the day it is so published or on a later day specified in the determination for that purpose.
- (3) A determination may be varied or revoked by a further determination of the Commissioner.

[10] Clause 40 (4) and (5)

Omit “the guidelines provide” wherever occurring.

Insert instead “a determination provides”.

[11] Clause 40 (4) and (5)

Omit “guidelines” wherever secondly occurring. Insert instead “determination”.

[12] Clause 40 (6) and (7)

Omit “guidelines” wherever occurring. Insert instead “determination”.