



New South Wales

# Security Industry Amendment (Regulation of Training Organisations) Bill 2015

## Explanatory note

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

This Bill is cognate with the *Firearms and Weapons Prohibition Legislation Amendment Bill 2015*.

## Overview of Bill

The object of this Bill is to amend the *Security Industry Act 1997* to preserve the operation of State security industry training organisation provisions. Section 6A of that Act (which was enacted in 2012) declared that State security industry regulation provisions were an excluded matter for the purposes of section 10 of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth (*the Commonwealth Act*). That declaration did not extend to certain Commonwealth national registration provisions, which may result in the State provisions in the same area being inconsistent and therefore not operative under section 109 of the Australian Constitution. Pursuant to a power conferred by section 11 of the Commonwealth Act, this Bill displaces the Commonwealth Act to the extent that it would render inoperative State security industry training organisation provisions that are inconsistent with the Commonwealth Act.

## 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 the date of assent to the proposed Act.

## Schedule 1 Amendment of Security Industry Act 1997 No 157

Schedule 1 amends section 6A of the Act to give effect to the Overview.



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New South Wales

# Security Industry Amendment (Regulation of Training Organisations) Bill 2015

No. , 2015

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## **A Bill for**

An Act to amend the *Security Industry Act 1997* to preserve the operation of State security industry training organisation regulatory provisions.

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**The Legislature of New South Wales enacts:**

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**1 Name of Act**

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This Act is the *Security Industry Amendment (Regulation of Training Organisations) Act 2015*.

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**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Security Industry Act 1997 No 157</b>	1
<b>[1]</b>	<b>Section 6A Application of Commonwealth National Vocational Education and Training Regulator Act 2011</b>	2
	Insert after section 6A (2):	3
	(2A) Without limiting subsection (2), each provision of this Act (and of any regulations made under this Act) is declared to be a VET legislation displacement provision for the purposes of section 11 of the Commonwealth Act generally. This subsection extends to any such provision enacted or as amended after the commencement of this subsection.	4
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<b>[2]</b>	<b>Section 6A (3)</b>	10
	Omit “This section”. Insert instead “Subsection (2)”.	11
<b>[3]</b>	<b>Section 6A (4)</b>	12
	Insert after section 6A (3):	13
	(4) Anything done or omitted to be done before the commencement of subsection (2A) that would have been validly done or omitted if subsection (2A) had been in force at the time is taken, on and from the commencement of subsection (2A), to have been validly done or omitted.	14
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