



New South Wales

Police Legislation Amendment (Miscellaneous) Bill 2025

Explanatory note

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

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the following legislation administered by the Minister for Police and Counter-terrorism—

- (a) the *Scrap Metal Industry Act 2016*,
- (b) the *Security Industry Act 1997*,
- (c) the *Security Industry Regulation 2016*,
- (d) the *Tattoo Industry Act 2012*,
- (e) the *Tattoo Industry Regulation 2023*,
- (f) the *Witness Protection Amendment Act 2024*.

The Bill also repeals the following amendment Acts, which contain minor amendments that are no longer required—

- (a) the *Security Industry Amendment (Private Investigators) Act 2016* No 40,
- (b) the *Tattoo Parlours Amendment (Statutory Review) Act 2022* No 10.

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 Scrap Metal Industry Act 2016 No 42

Schedule 1[1] clarifies that a person carrying on a business of dealing in scrap metal is required to pay a fee before the end of each period of 3 years following the date on which the certificate of registration for the business was first issued, rather than the date on which the registration fee was first paid.

Schedule 1[2] makes it clear that a scrap metal business cannot be transferred to another dealer by changing the registration information for the business or by another means.

Schedule 1[3] ensures there is no obligation on the Commissioner of Police to give reasons for refusing to issue a certificate of registration, or for suspending or revoking the registration of a scrap metal business, if to do so would result in the disclosure of a criminal intelligence report or other criminal information.

Schedule 2 Amendment of security industry legislation

Schedule 2.1[1] amends the *Security Industry Act 1997* (the **Security Act**) to reinstate provisions inadvertently repealed by the *Security Industry Amendment Act 2022* (the **2022 Act**). The provisions proposed to be reinstated are Henry VIII provisions as the provisions enable regulations to be made to exempt a person, or class of persons, from the operation of the Security Act. The 2022 Act inserted provisions authorising the Commissioner of Police to exempt persons, by notice published on the NSW Police Force website, from the requirement to hold a licence to carry on a security activity or provide persons to carry on a security activity. **Schedule 2.1[2]** makes it clear an exemption may only be granted by the Commissioner if the Commissioner considers it urgent or necessary to do so. **Schedule 2.2** makes consequential amendments to the *Security Industry Regulation 2016*.

Schedule 2.1[3] makes it clear the holder of a class ME licence under the Security Act is authorised to provide an unlimited number of persons on any one day to carry on security activities.

Schedule 2.1[4] ensures the Commissioner of Police must refuse to grant an application for a licence under the Security Act if the Commissioner is not satisfied the applicant is a fit and proper person, having regard to the applicant's character, honesty and integrity.

Schedule 2.1[5] clarifies when the variation of a licence under the Security Act comes into force. **Schedule 2.1[6]** makes a consequential amendment.

Schedule 2.1[7] and [8] exempt a person who has recently been granted a licence under the Security Act from having to produce or wear the licence if the licence has yet to be issued to the person and no more than 14 calendar days have passed since the licence came into force.

Schedule 2.1[9] ensures that information furnished or answers given by a natural person in compliance with a requirement under the Security Act, Part 3B may be admissible as evidence against the person in proceedings for an offence under the Security Act, section 33(2)(b), 39T or 39V.

Schedule 3 Amendment of tattoo industry legislation

Schedule 3.1 amends the *Tattoo Industry Act 2012* to make it clear that temporary Australian residents are not ineligible to apply for a licence under that Act if the individual held a licence immediately before 1 September 2023. **Schedule 3.2** makes a consequential amendment to the *Tattoo Industry Regulation 2023*.

Schedule 4 Amendment of Witness Protection Amendment Act 2024 No 89

Schedule 4 enables both public and private bodies to be prescribed as an agency for the *Witness Protection Act 1995*.

Schedule 5 Repeals

Schedule 5 repeals the following Acts—

- (a) the *Security Industry Amendment (Private Investigators) Act 2016* No 40,
- (b) the *Tattoo Parlours Amendment (Statutory Review) Act 2022* No 10.



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Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Scrap Metal Industry Act 2016 No 42	3
Schedule 2	Amendment of security industry legislation	4
Schedule 3	Amendment of tattoo industry legislation	6
Schedule 4	Amendment of Witness Protection Amendment Act 2024 No 89	7
Schedule 5	Repeals	8

This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Police Legislation Amendment (Miscellaneous) Bill 2025

No , 2025

A Bill for

An Act to make miscellaneous amendments to legislation administered by the Minister for Police and Counter-terrorism.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Police Legislation Amendment (Miscellaneous) Act 2025</i> .	3
2 Commencement	4
This Act commences as follows—	5
(a) for Schedule 2.1[5]–[8]—on a day or days to be appointed by proclamation,	6
(b) otherwise—on the date of assent to this Act.	7

Schedule 1	Amendment of Scrap Metal Industry Act 2016 No 42	1
		2
[1] Section 7 Registration fees payable		3
Omit “the fee was first paid” from section 7(b).		4
Insert instead “the certificate of registration was first issued”.		5
[2] Section 8 Requirement to notify changes in registration information		6
Insert at the end of the section—		7
(2) A registered business cannot be transferred to another dealer—		8
(a) by changing the registration information for the business, or		9
(b) by another means.		10
(3) Nothing in subsection (2) stops a person carrying on a business of dealing in scrap metal in a partnership from adding or removing a partner to the business if the ABN for the business remains the same.		11
		12
		13
[3] Section 11A Commissioner may refuse, suspend or revoke registration		14
Insert after section 11A(2)—		15
(3) The Commissioner is not, under this Act or another Act or law, required to give reasons for refusing to issue a certificate of registration, or for suspending or revoking the registration of a business, if giving the reasons would disclose the existence or content of a criminal intelligence report or other criminal information.		16
		17
		18
		19
		20

Schedule 2	Amendment of security industry legislation	1
2.1	Security Industry Act 1997 No 157	2
[1]	Section 6 Application of Act	3
	Insert after section 6(2A)—	4
	(3) The regulations may exempt a person or class of persons from the operation of this Act—	5
	(a) in the circumstances prescribed by the regulations, and	6
	(b) subject to the conditions, if any, prescribed by the regulations.	7
	(4) A regulation made under subsection (3) may create offences in relation to a failure to comply with a condition prescribed in relation to an exemption.	8
[2]	Section 6AA Exemptions by Commissioner	9
	Insert “, if the Commissioner believes it urgent or necessary to do so,” after “The Commissioner may” in subsection (1).	10
[3]	Section 10 Master licences	11
	Omit “50 or more persons” from section 10(1)(e).	12
	Insert instead “an unlimited number of persons”.	13
[4]	Section 15 Restrictions on granting licence—general suitability criteria	14
	Insert “, having regard to the applicant’s character, honesty and integrity” after “applicant” in section 15(1)(f)(i).	15
[5]	Section 24 Term of licence	16
	Insert after section 24(1B)—	17
	(1C) If an application is lodged under section 27 for the variation of a licence, the variation comes into force on the day the Commissioner grants the application for variation of the licence.	18
[6]	Section 27 Variation of licence	19
	Insert “, unless otherwise specified in this Act” after “grant of a licence” in section 27(2).	20
[7]	Section 35 Licence to be produced on demand	21
	Insert after section 35(1)—	22
	(1A) Subsection (1) does not apply to a person who has recently been granted a licence if—	23
	(a) the person has yet to be issued with the licence, and	24
	(b) no more than 14 calendar days have passed since the day on which the licence came into force under section 24(1A).	25
[8]	Section 36 Licence to be worn by licensee	26
	Insert after section 36(2)—	27
	(2A) Subsection (1) does not require a person, who has recently been granted a licence, to wear the licence if—	28
	(a) the person has yet to be issued with the licence, and	29

	(b) no more than 14 calendar days have passed since the day on which the licence came into force under section 24(1A).	1 2
[9]	Section 39R Provisions relating to requirements to furnish records or information or answer questions	3 4
	Omit “section 33 (2) (b) or 39L (1) (b)” from section 39R(3).	5
	Insert instead “section 33(2)(b), 39T or 39V”.	6
2.2	Security Industry Regulation 2016	7
[1]	Clause 7, heading	8
	Omit “s 6AA(6)”. Insert instead “ss 6(3) and 6AA(6)”.	9
[2]	Clause 7(3)	10
	Insert after clause 7(2)—	11
	(3) For the Act, section 6(3), the persons specified in Schedule 1 are exempt from the operation of the Act to the extent specified in that schedule.	12 13

Schedule 3	Amendment of tattoo industry legislation	1
3.1	Tattoo Industry Act 2012 No 32	2
	Schedule 1 Savings, transitional and other provisions	3
	Insert after clause 19—	4
	20 Temporary Australian residents	5
	Despite section 11(4)(b), an individual who is a temporary Australian resident is not ineligible to apply for a licence if the individual held a licence immediately before 1 September 2023.	6 7 8
3.2	Tattoo Industry Regulation 2023	9
	Section 38 Savings provision consequent on enactment of Tattoo Parlours Amendment (Statutory Review) Act 2022	10 11
	Omit the section.	12

Schedule 4	Amendment of Witness Protection Amendment	1
	Act 2024 No 89	2
Schedule 1	Amendment of Witness Protection Act 1995 No 87	3
Omit Schedule 1[8], proposed section 4A(1)(g). Insert instead—		4
(g)	a person or body, or a class of persons or bodies, whether public or	5
	private, prescribed by the regulations to be an agency for this Act.	6

Schedule 5	Repeals	1
1	Repeals	2
	The following Acts are repealed—	3
(a)	<i>Security Industry Amendment (Private Investigators) Act 2016</i> No 40,	4
(b)	<i>Tattoo Parlours Amendment (Statutory Review) Act 2022</i> No 10.	5