



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Schedule 2.1[1] amends the *Security Industry Act 1997* (the **Security Act**) to reinstate provisions inadvertently repealed by the *Security Industry Amendment Act 2022* (the **2022 Act**).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.