



New South Wales

Security Industry Amendment (Private Investigators) Bill 2016

Explanatory note

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

Overview of Bill

The object of this Bill is to provide for private investigators (formerly known as private inquiry agents) to be licensed under the *Security Industry Act 1997* instead of the *Commercial Agents and Private Inquiry Agents Act 2004*.

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 a day or days to be appointed by proclamation.

Schedule 1 Amendment of Security Industry Act 1997 No 157

Schedule 1 [2] provides that a person who acts as a private investigator or acts in a similar capacity is carrying out a security activity if it is done in the course of conducting a business or in the course of the person's employment. The *Security Industry Act 1997* requires persons who carry out a security activity to hold a licence. **Schedule 1 [4]** provides for a new class of licence to authorise a person to act as a private investigator or act in a similar capacity.

Schedule 1 [3] sets out a definition of *private investigator* as a person who is employed or engaged to investigate the business or personal affairs of a person or to carry out surveillance of a person. **Schedule 1 [1]** makes a consequential amendment.

Schedule 1 [5] sets out a number of savings and transitional provisions to provide for the transition of persons who are currently licensed (or seeking to be licensed) under the *Commercial*

Agents and Private Inquiry Agents Act 2004 to those persons being licensed (or having their applications for licences determined) under the *Security Industry Act 1997*.

Schedule 2 Amendment of Commercial Agents and Private Inquiry Agents Act 2004 No 70

Schedule 2 makes consequential amendments to the *Commercial Agents and Private Inquiry Agents Act 2004* to remove references in that Act to private inquiry agents.

Schedule 3 Amendment of other Acts

Schedule 3 makes consequential amendments to other Acts.