

Security Industry Regulation 2007

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New South Wales

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Security Industry Regulation 2007



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Security Industry Regulation 2007*.

2 Commencement

This Regulation commences on 1 September 2007.

Note—

This Regulation replaces the *Security Industry Regulation 1998* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

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.

restricted key means a security key that is of an approved type.

the Act means the *Security Industry Act 1997*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Security equipment: section 3 (1)

For the purposes of the definition of **security equipment** in section 3 (1) of the Act, the following types of device or equipment are declared not to be security equipment:

- (a) any vehicle immobiliser, or similar electronic device, that interrupts the power supply to the fuel pump, starter motor or ignition of a vehicle to prevent the vehicle's engine from starting,
- (b) any road vehicle alarms or sounding devices that comply with clause 2.3.2 (b) of AS/NZS 4601:1999, *Vehicle immobilizers*,

- (c) any intruder alarm systems for road vehicles that comply with AS/NZS 3749.1:2003, *Intruder alarm systems—Road vehicles—Performance requirements*.

5 Security activities: section 4 (1) (p)

For the purposes of section 4 (1) (p) of the Act, the following activities are prescribed:

- (a) the duplication of restricted keys (the relevant licence being a class 2C licence),
- (b) the carrying on of a service, other than a service of an approved class, that involves the manipulation (for example, unlocking) of security equipment otherwise than by ordinary means (the relevant licence being a class 2C licence).
- (c) (Repealed)

6 Exemptions: section 6 (3)

For the purposes of section 6 (3) of the Act, the persons or classes of persons specified in Schedule 1 are, to the extent specified in that Schedule, exempt from the operation of the Act.

7 Meaning of “basic household or automotive security item”: section 4 (2)

For the purposes of section 4 (2) of the Act, ***basic household or automotive security item*** means any of the following:

- (a) an item used for basic household security, including self-installed doors and grilles, self-installed door and window locks, padlocks, portable safes weighing not more than 50 kg or other self-installed electronic or mechanical security items,
- (b) an item designed to minimise the possibility of motor vehicle theft, including a vehicle immobiliser, vehicle alarm or GPS tracking device,
- (c) any other item approved by the Commissioner.

Part 2 Licences—general provisions

8 Applications for licences and renewals of licence lodged by post

An application for a licence, or for renewal of a licence, that is lodged by post must be sent to the following address:

Security Licensing and Enforcement Directorate
NSW Police Force
Locked Bag 5099
Parramatta NSW 2124

9 Composite licences: section 9 (2)

For the purposes of section 9 (2) of the Act, a class 1 or class 2 licence of any subclass

may be combined with a class 1 or class 2 licence of any other subclass or subclasses into a composite licence, but only if the relevant licensee is entitled to hold the other subclass or subclasses of licence.

10 Shortened term for licences

For the purposes of section 24 (1) of the Act, the period of 1 year is prescribed for a master licence, class 1 or class 2 licence, but only if the applicant for the licence applies for a licence that will be in force for such a period.

11 (Repealed)

12 Fees

- (1) For the purposes of sections 14 (2) (a) and 48 (2) (i) of the Act, the prescribed fees in relation to applications for licences are specified in Part 1 of Schedule 3.
- (2) In addition to any fee payable under subclause (1), an application for a licence is to be accompanied by a fingerprinting and palm printing fee of \$40 if the applicant has not had his or her fingerprints or palm prints, or both, taken before in relation to a licence under the Act.
- (3) For the purposes of sections 17 (2) (c) and 48 (2) (i) of the Act, the prescribed fees in relation to applications for renewals of licence are specified in Part 2 of Schedule 3.
- (4) For the purposes of section 17 (3) of the Act, the prescribed late fees are specified in Part 3 of Schedule 3.
- (5) The fee (other than so much of it as is the processing component of the fee) that is paid under subclause (1) or (3) in connection with an application that is refused is to be refunded to the applicant.
- (6) In this clause:

processing component of a fee, in relation to an application for a licence or renewal of licence, means the component of the fee prescribed by subclause (1) or (3) in respect of the application that is specified in Column 4 of Part 1 or 2 of Schedule 3 next to each relevant fee as specified in Column 3.

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

- (1) **Class 1 and class 2 licences** For the purposes of section 14 (2) (b) of the Act, an application for a class 1 or class 2 licence must be supported by and (subject to subclause (1A)) include the following information:
 - (a) the applicant's name, date and place of birth and residential address,
 - (b) (Repealed)

- (c) information satisfying the Commissioner that the applicant is an Australian citizen or a permanent Australian resident, or the holder of a visa that entitles the applicant to work in Australia (other than a student visa or a working holiday visa),
- (d) the security activities that the applicant proposes to carry on under the licence,
- (e) evidence of the applicant's competencies and experience referred to in section 15 (1) (c) of the Act,
- (f) if the application is for the variation of a licence, the number and expiry date of the existing licence,
- (g) evidence satisfying the Commissioner of the applicant's identity.

(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.

(2) **Master licences—individuals** For the purposes of section 14 (2) (b) of the Act, an application for a master licence that is made by an individual must include the following information:

- (a) the name, date and place of birth and residential address of:
 - (i) the applicant, and
 - (ii) each of the applicant's close associates (if applicable),
- (b) the applicant's Australian Business Number (ABN) and each business name (within the meaning of the *Business Names Registration Act 2011* of the Commonwealth) under which the applicant carries on business,
- (c) information satisfying the Commissioner that the applicant is an Australian citizen or a permanent Australian resident, or the holder of a visa that entitles the applicant to work in Australia (other than a student visa or a working holiday visa),
- (d) the applicant's business address,
- (e) the security activities in respect of which the applicant proposes to carry on business under the master licence,
- (f) if the application is for the variation of a licence, the number and expiry date of the existing licence,
- (g) (Repealed)
- (h) particulars of each firearms licence held by the applicant that relates to any proposed security activities,

- (i) particulars relating to each employee of the applicant who is authorised to possess or use a firearm in the course of his or her employment (including the number of the employee's firearms licence),
 - (j) evidence that the applicant has obtained public liability insurance as required by clause 35 (if applicable to the applicant).
- (3) **Master licences—corporations** For the purposes of section 14 (2) (b) of the Act, an application for a master licence that is made by a corporation (other than a government agency or public authority) must include the following information:
- (a) the name of the applicant,
 - (b) the applicant's Australian Business Number and each business name (within the meaning of the *Business Names Registration Act 2011* of the Commonwealth) under which the applicant carries on business,
 - (c) the nominated person for the licence, being an individual who is:
 - (i) an Australian citizen or permanent Australian resident, or the holder of a visa that entitles the applicant to work in Australia (other than a student visa or a working holiday visa), and
 - (ii) a close associate of the applicant, and
 - (iii) involved in the day-to-day conduct of the applicant's security activities,
 - (d) the name, date and place of birth and residential address of each of the applicant's close associates,
 - (e) the address of the applicant's registered office and, if that address is not the address of its principal place of business, the address of its principal place of business,
 - (f) the security activities in respect of which the applicant proposes to carry on business under the master licence,
 - (g) (Repealed)
 - (h) if the application is for the variation of a licence, the number and expiry date of the existing licence,
 - (i) particulars of each firearms licence held by the applicant that relates to any proposed security activities,
 - (j) particulars relating to each employee of the applicant who is authorised to possess or use a firearm in the course of his or her employment (including the number of the employee's firearms licence),

(k) evidence that the applicant has obtained public liability insurance as required by clause 35 (if applicable to the applicant).

(4) **Master licences—government agencies or public authorities** For the purposes of section 14 (2) (b) of the Act, an application for a master licence that is made by a government agency or a public authority must include the following information:

(a) the name of the applicant,

(b) the applicant's Australian Business Number and each business name (within the meaning of the *Business Names Registration Act 2011* of the Commonwealth) under which the applicant carries on business in connection with the security activities to be authorised by the licence,

(c) the name, date and place of birth and residential address of the nominated person for the licence, being an individual who is:

(i) an Australian citizen or permanent Australian resident, or the holder of a visa that entitles the applicant to work in Australia (other than a student visa or a working holiday visa), and

(ii) involved in the day-to-day conduct of the applicant's security activities,

(d) the address of the head office of the applicant,

(e) the security activities in respect of which the applicant proposes to carry on business under the master licence,

(f) if the application is for the variation of a licence, the number and expiry date of the existing licence,

(g) particulars of each firearms licence held by the applicant that relates to any proposed security activities,

(h) particulars relating to each employee of the applicant who is authorised to possess or use a firearm in the course of his or her employment (including the number of the employee's firearms licence),

(i) evidence that the applicant has obtained public liability insurance as required by clause 35 (if applicable to the applicant).

(5) The Commissioner may refuse to grant an application for a licence if the applicant does not provide such other information and particulars as the Commissioner may require in respect of the application.

14, 15 (Repealed)

16 Grounds for refusal to grant licence: section 15 (4)

- (1) **Mandatory grounds for refusal—individual** For the purposes of section 15 (4) of the Act, the Commissioner must refuse to grant an application for a master licence if the applicant, or a close associate of the applicant:
 - (a) at any time in the 3 years immediately preceding the application for the licence, was an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with his or her creditors or made an assignment of his or her remuneration for their benefit, unless the Commissioner is satisfied that the person took all reasonable steps to avoid the bankruptcy, or
 - (b) at any time in the 3 years immediately preceding the application for the licence, was concerned in the management of a corporation when the corporation was the subject of a winding up order or when a controller or administrator was appointed, unless:
 - (i) the winding up of the corporation was voluntary, or
 - (ii) the Commissioner is satisfied that the person took all reasonable steps to avoid the liquidation or administration.
- (2) **Mandatory grounds for refusal—corporation** For the purposes of section 15 (4) of the Act, the Commissioner must refuse to grant an application for a master licence if the applicant:
 - (a) is a corporation that is the subject of a winding up order or for which a controller or administrator has been appointed, or
 - (b) at any time in the 3 years immediately preceding the application for the licence, was a corporation the subject of a winding up order or for which a controller or administrator was appointed.
- (3) (Repealed)
- (4) **Mandatory grounds for refusal—offences and payment of penalty notices under the Act** For the purposes of section 15 (4) of the Act, the Commissioner must refuse to grant an application for a licence if the applicant has committed an offence under the Act but only if a total of at least 3 such offences arising out of different sets of circumstances have been committed by the applicant during any period of 2 years.
- (5) For the purposes of subclause (4), a person is taken to have committed an offence at the time that the person:
 - (a) is convicted of the offence by a court, or
 - (b) pays the penalty required by a penalty notice served on the person under section

45A of the Act in respect of the alleged offence (or if the person does not pay the penalty and does not elect to have the matter dealt with by a court, at the time that enforcement action is taken against the person under Division 3 or 4 of Part 4 of the *Fines Act 1996*).

- (6) **Discretionary grounds for refusal** For the purposes of section 15 (4) of the Act, the Commissioner may refuse to grant an application for a master licence if the applicant, or a close associate of the applicant, has, within the period of 3 years before the application for the licence was made, been found guilty of an offence under:
- (a) the *Fair Trading Act 1987* that relates to a contravention of section 44, 46, 49, 50, 53 or 55 of that Act as in force before that section was repealed by the *Fair Trading Amendment (Australian Consumer Law) Act 2010*, or
 - (b) the *Trade Practices Act 1974* of the Commonwealth that relates to a contravention of section 51AA–51AC, 52, 53, 53B, 55, 55A, 58 or 60 of that Act as in force before that section was repealed by the *Trade Practices Amendment (Australian Consumer Law) Act (No 2) 2010* of the Commonwealth, or
 - (c) Chapter 4 of the *Australian Consumer Law* that relates to a contravention of section 29, 31, 33, 34, 36 or 50 of that Law.

17 References to close associate: section 15 (5)

For the purposes of section 15 (5) of the Act, a reference to an applicant in section 15 (1) (c), (d) and (e) of the Act does not include a reference to a close associate of the applicant.

18 Offences and civil penalties that disqualify applicants

- (1) **Prescribed offences: section 16 (1) (a) and (b)** For the purposes of section 16 (1) (a) and (b) of the Act, the following offences are prescribed offences regardless of whether they are committed in New South Wales:

(a) **Offences relating to firearms or weapons**

An offence relating to the possession or use of a firearm, or any other weapon, committed under:

- (i) the law of any Australian jurisdiction, or
- (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction),

and being an offence that would (had the offence been committed under the law of an Australian jurisdiction) disqualify the person concerned from holding a licence under the *Firearms Act 1996*.

(b) Offences relating to prohibited drugs etc

An offence in respect of a prohibited plant or prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*, or a prescribed restricted substance within the meaning of the *Poisons and Therapeutic Goods Regulation 2008*, in respect of which the maximum penalty imposed is any term of imprisonment, or a penalty of \$500 or more, or both, being an offence committed under:

- (i) the law of any Australian jurisdiction, or
- (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction).

(c) Offences involving assault

An offence under the law of any Australian or overseas jurisdiction involving assault of any description, being:

- (i) an offence in respect of which the penalty imposed is imprisonment, or a fine of \$200 or more, or both, or
- (ii) in any cases where the applicant concerned has been found guilty but not been convicted—an offence that, in the opinion of the Commissioner, is a serious assault offence.

(d) Offences involving fraud, dishonesty or stealing

An offence under the law of any Australian or overseas jurisdiction involving fraud, dishonesty or stealing, being an offence in respect of which the maximum penalty is (had the offence been committed under the law of an Australian jurisdiction) imprisonment for 3 months or more.

(e) Offences involving robbery

An offence under the law of any Australian or overseas jurisdiction involving robbery (whether armed or otherwise).

(f) Offences relating to industrial relations matters

In the case of an application for a master licence or for the renewal of a master licence only, an offence under the *Industrial Relations Act 1996* or under any similar law of any other Australian jurisdiction or the *Fair Work Act 2009* of the Commonwealth, but only if a total of at least 5 such offences have been committed by the applicant during any period of 2 years.

(g) Offences relating to riot

An offence under section 93B of the *Crimes Act 1900* or any similar offence under

the law of another jurisdiction.

(h) **Offences relating to affray**

An offence under section 93C of the *Crimes Act 1900* or any similar offence under the law of another jurisdiction.

(i) **Offences involving stalking or intimidation**

An offence under the law of any Australian or overseas jurisdiction involving stalking or intimidation.

(j) **Offences relating to reckless conduct causing death at workplace**

An offence under section 32A of the *Occupational Health and Safety Act 2000* or any similar offence under the law of another jurisdiction.

(k) **Offences relating to terrorism**

An offence relating to terrorism, being:

(i) an offence under Part 6B of the *Crimes Act 1900* or against Part 5.3 of the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth, or

(ii) an offence committed elsewhere than in New South Wales that, if committed in New South Wales, would be an offence referred to in subparagraph (i).

(l) **Offences involving organised criminal groups and recruitment**

An offence under section 93IK or 351A of the *Crimes Act 1900*.

(2) **Prescribed civil penalties: section 16 (1) (c)** For the purposes of section 16 (1) (c) of the Act, each relevant civil penalty is prescribed, but only in the case of an application for a master licence or for the renewal of a master licence and only if a total of at least 5 such penalties have been imposed on the applicant during any period of 2 years.

(3) In this clause:

relevant civil penalty means each of the following:

(a) a civil penalty imposed under section 357 of the *Industrial Relations Act 1996*,

(b) a pecuniary penalty imposed under section 224 of the *Australian Consumer Law* that relates to a contravention of section 18, 20, 21, 22, 29, 31, 33, 34, 36 or 50 of that Law,

(c) a pecuniary penalty imposed under section 546 of the *Fair Work Act 2009* that relates to a contravention of that Act.

19 (Repealed)

20 Surrender of licence: section 31

For the purposes of section 31 of the Act, a licence that is suspended or revoked must be immediately surrendered as follows:

- (a) if a notice of suspension or revocation is sent to the person to whom the licence was granted—the person must, on receiving that notice, deliver the licence to a police officer or other approved person,
- (b) if no such notice is sent to the person but the person is otherwise directed by a police officer or other approved person to hand over the licence—the person must hand over the licence in accordance with that direction.

21 Requirement to notify change of licence particulars

It is a condition of a licence that the holder of the licence must notify the Commissioner electronically, by post or in any other approved manner of a change in any of the particulars in respect of a licence (including any change of address by the licensee), and of the appropriate new particulars, within 14 days of the change occurring.

22 Notification of lost etc licences

- (1) A licensee must, within 7 days after becoming aware that the licence has been lost, stolen, destroyed, defaced or mutilated or become illegible, notify the Commissioner of that occurrence.

Maximum penalty:

- (a) in the case of a corporation—40 penalty units, or
 - (b) in the case of an individual—10 penalty units.
- (2) For the purposes of this clause, the Commissioner is taken to have been notified of the occurrence if:
 - (a) oral notice of the occurrence has been given, either in person or by telephone, to a police officer at a police station or to the Police Assistance Line (131 444) and a Computerised Operational Policing System Event reference number has been issued to the licensee, or
 - (b) notice of the occurrence has been given in any other manner approved by the Commissioner.

23 Application for replacement licence

- (1) The Commissioner may, on being satisfied that a licence has been lost, stolen, destroyed, defaced or mutilated or become illegible, and on payment of the fee of \$65, issue a replacement licence.

- (2) An application for a replacement licence may be made by lodging an application in the approved form (or in such other manner as may be approved) with the Security Licensing and Enforcement Directorate.

24 Application for variation of master licence

- (1) The Commissioner may, on the application of the holder of a master licence, vary the subclass of that licence (the **old subclass**) to another subclass (the **new subclass**).
- (2) If the fees payable under clause 12 in respect of the new subclass are higher than those payable under that clause in respect of the old subclass, the fee payable on an application under subclause (1) is the difference between those fees.
- (3) A master licence that has been varied under this clause remains in force only for the term of that licence, unless sooner surrendered or revoked or otherwise ceases to be in force.

25 Application for variation of licence

An application under section 27 of the Act for the variation of a class 1 or class 2 licence must be accompanied by a fee of \$80.

26 Amendment of licence

An application to amend the information relating to a licence (not being an application to vary a licence) must be accompanied by a fee of \$65.

27 (Repealed)

28 Special licence conditions—fingerprints and palm prints: section 21 (3) (b)

- (1) For the purposes of section 21 (3) (b) of the Act, it is a condition of a licence that the licensee must, at the Commissioner's request, consent to having his or her fingerprints or palm prints, or both, taken by an authorised officer (within the meaning of section 18 of the Act) in order to confirm the licensee's identity.
- (2) Any fingerprint or palm print obtained in accordance with this clause may be used by the Commissioner for any purpose as the Commissioner sees fit.
- (3) A person who formerly held a licence, but is not currently a licensee, may apply to the Commissioner to have his or her fingerprints or palm prints, or both, and any copies of them destroyed.
- (4) The Commissioner may grant or refuse the application as the Commissioner sees fit.

29 Revocation of licence—additional reasons: section 26 (1) (d)

For the purposes of section 26 (1) (d) of the Act, a licence may be revoked if the Commissioner considers that it is not in the public interest for the person to whom it is

granted to continue to hold it.

30 (Repealed)

Part 3 Master licences—special conditions

31 Requirement to display master licence

It is a condition of a master licence that the licensee must conspicuously display a copy of the master licence at the principal place of business of the licensee.

32 Requirement to display licence number

- (1) It is a condition of a master licence that a licensee conducting a business in the security industry must not, on any sign on any of the licensee's business premises or on any vehicle used for carrying on security activities, use or display the licensee's name, the business name under which the business is carried on, any logo or other symbol representing the business or any words indicating that the premises or vehicle are used in connection with any security activity authorised by the master licence unless the number of the master licence is also displayed in accordance with this clause on the premises or vehicle.
- (2) The number of the master licence must be displayed on a sign as follows:
 - (a) "Master Lic.", "Lic. No", "M/L" or other approved abbreviation must be followed by the licence number,
 - (b) the letters and numbers must be in Arial font or otherwise must be clearly legible and must be a minimum height of:
 - (i) for signage on premises—30 mm, or
 - (ii) for signage in or on vehicles—15 mm,
 - (c) the letters and numbers must be of a colour that contrasts with the background of the sign.
- (3) This clause does not have effect until the end of the period of 3 months beginning on the commencement of this clause.

33 Job advertisements

- (1) It is a condition of a master licence that the licensee must, in any advertisement relating to the employment of persons to perform security activities as employees of the master licensee, include the master licensee's business name (within the meaning of the [Business Names Registration Act 2011](#) of the Commonwealth) or proper name and number of the master licence.
- (2) In this clause:

proper name means:

- (a) in relation to an individual:
 - (i) the individual's full name, or
 - (ii) the individual's family name, together with the initials or abbreviations of one or more of the individual's given names, and
- (b) in relation to a corporation, the corporation's corporate name.

34 Requirement to notify changes relating to close associates

- (1) It is a condition of a master licence that the licensee must notify the Commissioner in writing of:
 - (a) any change in the particulars relating to close associates included in an application under clause 13 (2) (a) (ii) or (3) (d), and
 - (b) the name, date and place of birth and residential address of any person who subsequently becomes a close associate of the licensee.
- (2) The notification must be made within 14 days after the change occurs or the person becomes a close associate.

35 Public liability insurance

If the holder of a master licence provides persons to carry on security activities involving the possession or use of firearms, the use of horses or the use of dogs, it is a condition of the master licence that the licensee must obtain and maintain (in an approved form) public liability insurance cover totalling at least \$10,000,000.

36 Records required to be kept by master licensees

- (1) It is a condition of a master licence that the licensee must keep the following records in a manner and form approved by the Commissioner:
 - (a) the full name and licence number and subclass of each class 1 or class 2 licensee provided by the holder of the master licence,
 - (b) the expiry date of the licence held by each class 1 or class 2 licensee provided by the holder of the master licence,
 - (c) in relation to each occasion on which the holder of the master licence is engaged to provide security services to be performed by a class 1 or class 2 licensee employed by the holder of the master licence:
 - (i) the name and address of the person engaging those services, and
 - (ii) the address of the location at which the services are provided, and

- (iii) the date on and time at which the services are provided, and
 - (iv) details of the services provided, and
 - (v) the name of, and the number of the licence held by, the class 1 or class 2 licensee who performed the services, and
- (d) details of any contract or agreement to provide security services required by the Commissioner by written notice given to the holder of the master licence or to holders of master licences generally by a notice placed on the website maintained by the Security Licensing and Enforcement Directorate within the NSW Police Force.
- (2) If the holder of a master licence provides any person to perform a mobile patrol service, it is a condition of the licence that the holder of the licence must ensure that:
- (a) a record of each patrol visit is kept in a manner and form approved by the Commissioner, and
 - (b) such a record contains details of the name and licence number of the licensee who undertook the patrol visit.
- (3) Each record required to be kept under this clause must be kept for at least 3 years.

36A Copies of licences

It is a condition of a master licence that the holder of the licence keep a copy of the licence:

- (a) at any place of business at which the holder of the master licence's records are kept other than the holder's principal place of business, and
- (b) at any premises at which the holder provides class 1 licensees to carry out security services on a recurrent basis (other than mobile patrol and cash in transit services).

37 Incident registers

- (1) If the holder of a master licence provides a class 1 licensee, it is a condition of the master licence that holder must keep a register (an **incident register**) in a manner and form approved by the Commissioner containing particulars of any of the following incidents that occur while the class 1 licensee is performing his or her duties:
- (a) in relation to a class 1A, 1B, 1C, 1D or 1F licensee—the licensee makes forcible physical contact with, or physically restrains, a member of the public,
 - (b) in relation to a class 1C licensee—the licensee ejects a member of the public from the premises or site concerned,
 - (c) in relation to a class 1D licensee—the licensee's dog attacks a person,

- (d) in relation to a class 1F licensee—the licensee removes a firearm from his or her holster (unless the removal is for the purposes of unloading ammunition or for the maintenance of the firearm),
 - (e) in relation to a class 1F licensee—the licensee discharges a firearm,
 - (f) any other type of incident required by the Commissioner to be recorded in the incident register by written notice given to the holder of the master licence or to holders of master licences generally by a notice placed on the website maintained by the Security Licensing and Enforcement Directorate within the NSW Police Force.
- (2) The holder of the master licence must record or cause to be recorded the particulars of any incident as soon as practicable after the incident occurs and before any class 1 licensee involved in the incident completes the shift during which the incident occurred.
- (3) The incident register must be kept:
- (a) at any premises at which the holder provides class 1 licensees to carry out security services on a recurrent basis (other than mobile patrol and cash in transit services), and
 - (b) in the case of mobile patrol and cash in transit services and other security services which are not carried out on particular premises on a recurrent basis—at the place of business at which the holder of the master licence's records are kept.
- (4) It is a condition of a master licence that, if a class 1F licensee employed by the holder of the master licence discharges a firearm, the holder must, within 24 hours after the discharge, give the Firearms Registry of the NSW Police Force written notice of the particulars of the incident as recorded in the incident register under this clause.
- (5) For the purposes of subclause (3) (a), each holder of a master licence must keep a separate incident register if more than one master licensee is providing persons to carry on security activities at the same premises.
- (6) Each record of an incident required to be recorded in the incident register under this clause must be kept in the incident register for at least 3 years.
- (7) The requirement to keep a register under this clause is in addition to the requirement under clause 36 to keep records.

37A Sign-on register

- (1) If the holder of a master licence provides class 1 licensees to carry out security services at particular premises on a recurrent basis (other than mobile patrol and cash in transit services), it is a condition of the master licence that the holder must keep a

register (a **sign-on register**) in a manner and form approved by the Commissioner that records, for each day on which the provided class 1 licensees carry on security activities at those premises:

- (a) the name, signature and licence number of each class 1 licensee provided by the holder of the master licence to carry on security activities on that day, and
 - (b) the time at which any such class 1 licensee commenced carrying on security activities on that day, and
 - (c) the time (whether on the same day or the following day) at which that class 1 licensee ceased carrying on such security activities, and
 - (d) any other particulars the Commissioner requires the holder of the master licence to record in the sign-on register by written notice given to the holder of the master licence or to holders of master licences generally by a notice placed on the website maintained by the Security Licensing and Enforcement Directorate within the NSW Police Force.
- (2) If the holder of a class 1 licence (the **relevant person**) is provided by a master licensee to carry on security activities at premises at which the master licensee provides holders of class 1 licences to carry out security services on a recurrent basis (other than mobile patrol and cash in transit services), it is a condition of the licence held by the relevant person that, on each day the relevant person carries on security activities at those premises, he or she completes in the approved manner the sign-on register kept by the master licensee at those premises before commencing, and immediately following ceasing, the carrying on of security activities.
- (3) This clause does not have effect until 1 February 2013.

38 Vehicles used for cash in transit activities

- (1) **Armoured vehicles** If the holder of a master licence provides persons to carry on security activities involving the protection of cash in transit, it is a condition of the master licence that any armoured vehicle used in connection with those activities must include, or be equipped with, the following features:
- (a) permanent company signage or markings,
 - (b) ballistic protection to the crew members of the vehicle with G2 (or equivalent) rated body and glazing materials within the meaning of the Australian and New Zealand Standard AS/NZS 2343:1997, *Bullet-resistant panels and elements*,
 - (c) a back-to-base radio with override button for use in an emergency,
 - (d) an alternative method of communication to the back-to-base radio that is operable in radio reception black spots,

- (e) a mobile telephone,
 - (f) in relation to an armoured vehicle operated only by a 2-person crew where both crew members exit the vehicle to deliver cash—the following features:
 - (i) a remotely activated central locking system, or a method of preventing unauthorised entry into the vehicle,
 - (ii) one or more engine immobilisers designed to prevent unauthorised ignition of the vehicle,
 - (iii) a Global Positioning System that allows the vehicle to be remotely tracked,
 - (iv) portable back-to-base duress alarms for the crew,
 - (v) a system of secure partitioning that allows the crew to enter and exit the vehicle without exposing the crew and that restricts access to the vehicle's cargo by persons other than the crew.
- (2) **Other vehicles** If the holder of a master licence provides persons to carry on security activities involving the protection of cash in transit, it is a condition of the master licence that any vehicle (other than an armoured vehicle) used in connection with those activities must include, or be equipped with, the following features:
- (a) permanent company signage or markings,
 - (b) a drop safe, secure container or other similar device used to ensure that the cash in transit is secure,
 - (c) a back-to-base radio with override button for use in an emergency,
 - (d) an alternative method of communication to the back-to-base radio that is operable in radio reception black spots,
 - (e) a hands-free mobile telephone,
 - (f) a remotely activated central locking system, or a method of preventing unauthorised entry into the vehicle,
 - (g) one or more engine immobilisers designed to prevent unauthorised ignition of the vehicle,
 - (h) a Global Positioning System that allows the vehicle to be remotely tracked,
 - (i) portable back-to-base duress alarms for the crew.
- (3) The Commissioner may, on application by a master licensee, authorise in writing a vehicle that does not include permanent company signage or markings in accordance with subclause (2) (a) to be a vehicle that may be used in the protection of cash in

transit.

- (4) An authorisation under subclause (3) remains in force for such time as is specified in the authorisation unless it is sooner revoked by the Commissioner.

Part 3A Visitor permits

38A Fee to accompany permit application

For the purposes of section 39D (2) of the Act, the prescribed fee to accompany an application for a visitor permit is as follows:

- (a) if the applicant is an individual—\$40,
- (b) if the applicant is a corporation—\$100.

38B Information and particulars to accompany permit application

- (1) **Visitor permit—individuals** For the purposes of section 39D (2) of the Act, an application for a visitor permit that is made by an individual must include the following information:
- (a) the applicant's name and residential address,
 - (b) the applicant's date of birth,
 - (c) particulars of the licence or other authority in the applicant's State or Territory of residence authorising the applicant to carry on the activity or activities of the kind proposed to be authorised by the visitor permit.
- (2) **Visitor permit—corporations** For the purposes of section 39D (2) of the Act, an application for a visitor permit that is made by a corporation must include the following information:
- (a) the name of the applicant,
 - (b) the applicant's Australian Business Number and each business name (within the meaning of the *Business Names Registration Act 2011* of the Commonwealth) under which the applicant carries on business,
 - (c) the address of the applicant's registered office and, if that address is not the address of its principal place of business, the address of its principal place of business,
 - (d) the security activities in respect of which the applicant proposes to carry on business under the visitor permit,
 - (e) particulars of the licence or other authority of the other State or Territory authorising the corporation to carry on the activity or activities of the kind

proposed to be authorised by the visitor permit.

Part 3B Temporary excess provision of services permit

38C Fee to accompany permit application

For the purposes of section 40A (2) of the Act, the prescribed fee to accompany an application for a temporary excess provision of services permit is \$150 for each specified day, or each day within a specified period, for which authorisation to provide more persons than the number authorised by a master licence is sought by the applicant.

Part 4 Miscellaneous provisions

39 (Repealed)

40 Uniforms and vehicle markings

(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.

(2) Any such determination is to provide that the relevant uniforms and vehicles cannot resemble the uniforms of police officers or the marked vehicles of the NSW Police Force.

(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.

(4) If a determination provides for the wearing of a uniform in connection with the carrying on of a security activity, a person must, in the course of carrying on that activity, wear a uniform that complies with the determination for that activity.

Maximum penalty: 2 penalty units.

(5) If a determination provides for the wearing of a uniform in connection with the carrying on of a security activity, the employer of a person who is carrying on that activity must ensure that the person, in the course of carrying on that activity, wears a uniform that complies with the determination for that activity.

Maximum penalty:

- (a) in the case of a corporation—5 penalty units, or
 - (b) in the case of an individual—2 penalty units.
- (6) The Commissioner may, by notice in writing to a person or to the employer of a person, advise:
- (a) that the character or design of the uniform worn by the person, by reason of some feature specified in the notice, does not accord with the relevant determination, or
 - (b) that the vehicle used by the person, by reason of some marking or feature specified in the notice, does not accord with the relevant determination.
- (7) A person to whom any such advice has been notified in relation to a uniform or vehicle must not wear the uniform or use the vehicle, or permit the person's employees to do so, until the feature or marking that does not accord with the relevant determination has been corrected or removed.

Maximum penalty:

- (a) in the case of a corporation—40 penalty units, or
- (b) in the case of an individual—20 penalty units.

41, 42 (Repealed)

43 Security recordings

- (1) A person who deliberately or recklessly destroys, edits, alters, erases or otherwise interferes with any security recording that relates to any incident involving a licensee performing his or her duties that would likely lead to criminal or disciplinary proceedings against that licensee is guilty of an offence.

Maximum penalty: 50 penalty units.

- (2) A person does not commit an offence under this clause if the person destroys, edits, alters, erases or otherwise interferes with a security recording after any criminal or disciplinary proceedings relating to the recording have been finalised.
- (3) In this clause, **security recording** means security, surveillance, closed circuit television or digital recording or footage.

44 Offence of impersonating a licensee

A person must not impersonate, or falsely represent that the person is, a licensee.

Maximum penalty: 50 penalty units.

45 Approval of organisations providing requisite training, assessment and instruction

- (1) A list of persons or organisations approved from time to time by the Commissioner for

the purposes of section 15 of the Act is to be published on the website maintained by the Security Licensing and Enforcement Directorate within the NSW Police Force.

- (2) The Commissioner is to give notice in writing to any person or organisation affected by removal of that person or organisation from the list of approved persons or organisations.

46 Penalty notice offences and penalties: section 45A

- (1) For the purposes of section 45A of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 2 is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of Schedule 2.
- (2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

Part 5 Savings and transitional provisions

47 Existing class 1A and class 2C licences: clause 12 of Schedule 2

- (1) If the holder of an existing class 1A or 2C licence fails to make an application to the Commissioner for a determination (as referred to in clause 12 (1) (b) of Schedule 2 to the Act) of the relevant licence class within 3 months after the commencement of that clause, the existing licence is taken to be suspended.
- (2) An application for a determination of the relevant licence class in respect of an existing class 1A or 2C licence must be in an approved form and be accompanied by a fee of \$40. The applicant must also provide any particulars that may be required by the Commissioner.
- (3) An existing class 1A or 2C licence that continues in force after the commencement of clause 12 of Schedule 2 to the Act authorises any activities that were authorised by the licence immediately before that commencement until such time as whichever of the following occurs first:
 - (a) the Commissioner determines the relevant licence class in respect of the existing licence,
 - (b) the existing licence is revoked,
 - (c) the existing licence expires at the end of its term.

- (4) If the Commissioner determines an existing licence to be of a particular class, the existing licence is taken to be a licence of that class and, unless it is sooner surrendered by the holder or suspended or revoked under the Act, remains in force for the unexpired portion of its term.
- (5) Nothing in this clause prevents an existing licence from being suspended or subjected to conditions.
- (6) In this clause:

existing licence has the same meaning as in clause 12 of Schedule 2 to the Act.

47A Offences and civil penalties that disqualify applicants

- (1) Clause 18 (1) (b), to the extent that its application is varied by the [Security Industry Amendment Act 2008](#), extends to an offence of which a person is convicted or found guilty before the commencement of the amendment.
- (2) Despite subclause (1), clause 18 (1) (b), as so varied, and section 26 (1A) of the Act do not operate to require the Commissioner to revoke a licence that is in force on the commencement of the amendment.
- (3) Clauses 16 (6) and 18, to the extent that their application is varied by an amendment made by the [Security Industry Amendment Regulation 2012](#), do not extend to an offence of which a person is convicted or found guilty or to a pecuniary penalty imposed in respect of a contravention that occurred before the commencement of the amendment.

47B Public liability insurance: horses

The amendment made to clause 35 by the [Security Industry Amendment Regulation 2012](#) does not have effect in relation to a master licensee who has public liability insurance cover complying with clause 35 as in force immediately before the commencement of the amendment until 3 months after the commencement.

48 General savings

Any act, matter or thing that, immediately before the repeal of the [Security Industry Regulation 1998](#), had effect under that Regulation is taken to have effect under this Regulation.

Schedule 1 Exempt persons

(Clause 6)

- 1** Persons employed by Rail Corporation New South Wales for the purpose of undertaking security activities (other than contract security guards who are engaged to perform watch and guard duty at Rail Corporation New South Wales properties), but only to the extent to which the persons act in

that capacity.

- 2** Authorised fire officers under the control of New South Wales Fire Brigades or a local council or similar body, but only to the extent to which the officers act in that capacity.
- 3** Persons employed in the Office of the Sheriff, Attorney General's Department, but only to the extent to which the persons act in that capacity.
- 4** The Casino Control Authority, but only to the extent to which it is exercising functions under section 141 (2) (i), (j) and (k) of the *Casino Control Act 1992*.
- 5** Casino inspectors appointed under section 20 of the *Casino, Liquor and Gaming Control Authority Act 2007*, but only to the extent to which the inspectors act in that capacity.
- 6** Persons employed at a detention centre within the meaning of the *Children (Detention Centres) Act 1987*, but only to the extent to which the persons act in that capacity.
- 7** Persons who, in the course of their employment with an employer (being an employer who is not conducting a business in the security industry):
 - (a) provide internal advice (but no other type of security activity) in relation to security matters concerning the employer's business, including providing internal advice to a related body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) of the employer, but only to the extent to which the persons act in that capacity, or
 - (b) install, maintain, repair or service internal security equipment (but no other type of security activity) in connection with the employer's business, but only to the extent to which the persons act in that capacity.
- 8** Licensees under the *Liquor Act 2007* and employees who perform activities relating to the exclusion of persons from licensed premises as authorised by that Act (other than any such employee who is employed for the purposes of carrying on security activities), but only to the extent to which they act in that capacity.
- 9** Persons who inspect, examine or scan tickets or other documents (other than for the purpose of determining a person's age) relating to the entry or admission of persons to premises (whether licensed or not), or who otherwise screen the entry of persons to premises, for the purpose of a function, sporting or other event or entertainment, but only to the extent to which the persons act in that capacity and do not physically restrain or eject persons from, or prevent their entry to, such premises.
- 10** Persons who are engaged in the building and construction industry or who provide basic home maintenance services who, in the course of their building activities or maintenance services, install basic security equipment such as locks, but only to the extent to which the persons provide those services.
- 11** Architects, engineers and other persons engaged in the building and construction industry who, in the course of their activities, provide incidental advice on basic security equipment, but only to the extent to which the persons provide that advice.
- 12** Persons who are engaged in the selling of the equipment, methods, principles or services referred

to in section 4 (1) (e) of the Act by means of making telephone calls to seek out persons who may be prepared to enter, as consumers, into contracts for the supply of such equipment, methods, principles or services, but only to the extent to which the persons act in that capacity.

- 13** Persons who sell, by wholesale (other than directly to the public) only, equipment referred to in section 4 (1) (e) of the Act, but only to the extent to which the persons sell such equipment.
- 14** Persons who are employed by or in any government agency (whether of this State, of the Commonwealth or of another State or Territory) that exercises functions in relation to national security, but only to the extent to which the persons carry out national security duties in the course of that employment.
- 15** Officers and employees of the Australian Security Intelligence Organisation, but only to the extent to which the officers and employees are exercising functions under the *Australian Security Intelligence Organisation Act 1979* of the Commonwealth.
- 16** Persons who are employed in the Department of Education and Training who perform control room or monitoring centre operations solely on behalf of that Department, but only to the extent to which the persons act in that capacity.
- 17** Persons who are employed in the State Transit Authority Division of the Government Service for the purposes of revenue protection activities, but only to the extent to which they carry out those duties in the course of that employment.
- 18** Persons who are employed in the State Transit Authority Division of the Government Service whose duties include observing, watching and guarding, by electronic means, State Transit Authority properties, but only to the extent to which the persons carry out those duties in the course of that employment.
- 19** Persons who are employed in the State Transit Authority Division of the Government Service or by Rail Corporation New South Wales whose duties include providing training in and assessment of security activities (other than persons engaged from external sources by those entities to provide security training), but only to the extent to which the persons carry out those duties in the course of that employment.
- 20** Persons who are employed in a security business but who do not perform any security activities.
- 21** Persons employed in the Attorney General's Department whose duties include advising on crime prevention strategies or community safety work, but only to the extent to which the persons carry out those duties in the course of that employment.
- 22** Persons employed by or in a local council whose duties include advising on crime prevention strategies or community safety work, but only to the extent to which the persons carry out those duties in the course of that employment.
- 23** Persons who are employed by or in a Commonwealth government agency who provide security advice to a Commonwealth government agency in connection with the functions of the agency by or in which they are employed, but only to the extent to which the persons provide such advice.
- 24** Persons who are engaged in the retail sale of the equipment referred to in section 4 (1) (e) of the Act who provide advice in relation to the equipment, being advice that is from the manufacturer of

the equipment (but who do not install or maintain the equipment), but only to the extent to which the persons act in that capacity.

- 25** Persons who are employed in the retail industry who, in the course of that employment, conduct customer bag checks (but only bag checks that are carried out in accordance with guidelines sponsored by the Australian Retailers Association (NSW) and endorsed by the Office of Fair Trading, Department of Commerce), but only to the extent to which the persons act in that capacity.
- 26** Apprentices or trainees (within the meaning of the [Apprenticeship and Traineeship Act 2001](#)) while carrying on security activities of a type that may be authorised under a class 2 licence in the course of their apprenticeship or training with a person who is the holder of a licence authorising that person to carry on those security activities, but:
- (a) not if the apprentice or trainee concerned would be refused a licence because of section 16 of the Act, and
 - (b) if the apprentice or trainee is a first year apprentice or trainee, only while the apprentice or trainee is directly supervised by a holder of a licence authorising the holder to carry on those security activities.

A **first year apprentice or trainee** is a person who is recognised by the Department of Education and Communities as a first year apprentice or a first year trainee under the [Apprenticeship and Traineeship Act 2001](#).

- 27** Persons who are employed by providers of domestic air services or international air services (within the meaning of the [Aviation Transport Security Regulations 2005](#) of the Commonwealth) and who conduct pre-flight searches of aircraft for security purposes, but only to the extent to which the persons act in that capacity.
- 28** Firearms dealers (within the meaning of the [Firearms Act 1996](#)) and who sell equipment referred to in section 4 (1) (e) of the [Security Industry Act 1997](#) (being a safe or vault for firearms), but only to the extent to which the dealers act in that capacity.
- 29** Management companies or submanagement companies which are engaged to manage or assist in the management of a correctional centre under Part 12 of the [Crimes \(Administration of Sentences\) Act 1999](#), but only to the extent to which the companies act in that capacity.
- 30** Persons who are employed by a management company or submanagement company engaged to manage or assist in the management of a correctional centre under Part 12 of the [Crimes \(Administration of Sentences\) Act 1999](#) and who are authorised under section 240 of that Act, but only to the extent to which the persons act in that capacity.
- 31** Persons who are employed or engaged for the purposes of carrying out RSA supervisory duties (within the meaning of clause 53G (5) of the [Liquor Regulation 2008](#)) on licensed premises (within the meaning of the [Liquor Act 2007](#)), but only to the extent to which the person carries out those duties and does not physically restrain or eject persons from, or prevent their entry to, such premises.

32 (Repealed)

Schedule 2 Penalty notice offences

Column 1	Column 2
Provision	Penalty (\$)
Offences under the Act	
Section 7 (1)—where the offence is committed by a corporation	11,000
Section 7 (1)—where the offence is committed by an individual	5,500
Section 7 (2)	5,500
Section 15 (2B)—where the offence is committed by a corporation	1,100
Section 15 (2B)—where the offence is committed by an individual	550
Section 29B	5,500
Section 30—where the offence is committed by a corporation	2,200
Section 30—where the offence is committed by an individual	1,100
Section 31—where the offence is committed by a corporation	2,200
Section 31—where the offence is committed by an individual	1,100
Section 32—where the offence is committed by a corporation	2,200
Section 32—where the offence is committed by an individual	1,100
Section 33 (1)—where the offence is committed by a corporation	2,200
Section 33 (1)—where the offence is committed by an individual	1,100
Section 33 (2)	550
Section 34	550
Section 35	550
Section 36 (1)	550
Section 37—where the offence is committed by a corporation	2,200
Section 37—where the offence is committed by an individual	1,100
Section 38	440
Section 38A—where the offence is committed by a corporation	2,200
Section 38A—where the offence is committed by an individual	1,100
Section 38C	1,100
Section 39 (1)—where the offence is committed by a corporation	11,000

Section 39 (1)—where the offence is committed by an individual	5,500
Section 39A	1,100
Section 39B—where the offence is committed by a corporation	220
Section 39B—where the offence is committed by an individual	110
Section 39F—where the offence is committed by a corporation	2,200
Section 39F—where the offence is committed by an individual	1,100
Section 39H	550
Section 39L	1,100

Offences under this Regulation

Clause 22 (1)—where the offence is committed by a corporation	440
Clause 22 (1)—where the offence is committed by an individual	110
Clause 40 (4)	22
Clause 40 (5)—where the offence is committed by a corporation	55
Clause 40 (5)—where the offence is committed by an individual	22
Clause 40 (7)—where the offence is committed by a corporation	440
Clause 40 (7)—where the offence is committed by an individual	220
Clause 43 (1)	550
Clause 44	550

Schedule 3 Fees

(Clause 12)

Part 1 Licence fees

Column 1	Column 2	Column 3	Column 4
Licence class	Term of licence	Fee	Processing component of fee
Class 1 or class 2	1 year	\$160	\$120
	5 years	\$640	\$120
Class MA	1 year	\$160	\$120
	5 years	\$640	\$120
Class MB	1 year	\$410	\$120
	5 years	\$1,640	\$120

Class MC	1 year	\$1,250	\$200
	5 years	\$5,000	\$200
Class MD	1 year	\$2,800	\$360
	5 years	\$11,200	\$360
Class ME	1 year	\$5,225	\$480
	5 years	\$20,900	\$480

Part 2 Licence renewal fees

Column 1	Column 2	Column 3	Column 4
Licence class	Term of licence	Fee	Processing component of fee
Class 1 or class 2	1 year	\$140	\$80
	5 years	\$560	\$80
Class MA	1 year	\$140	\$80
	5 years	\$560	\$80
Class MB	1 year	\$375	\$80
	5 years	\$1,500	\$80
Class MC	1 year	\$1,200	\$120
	5 years	\$4,800	\$120
Class MD	1 year	\$2,725	\$240
	5 years	\$10,900	\$240
Class ME	1 year	\$5,125	\$360
	5 years	\$20,500	\$360

Part 3 Late fees

Column 1	Column 2	Column 3
Licence class	Term of licence	Fee
Class 1 or class 2	1 year	\$20
	5 years	\$80
Class MA	1 year	\$20
	5 years	\$80
Class MB	1 year	\$35

	5 years	\$140
Class MC	1 year	\$50
	5 years	\$200
Class MD	1 year	\$75
	5 years	\$300
Class ME	1 year	\$100
	5 years	\$400