

Security Industry Regulation 2016

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New South Wales

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New South Wales

Contents

Part 1 Preliminary	5
1 Name of Regulation	5
2 Commencement	5
3 Definitions	5
4 Security equipment: section 3 (1)	5
5 Security activities: section 4 (1) (p).....	6
6 Meaning of “basic household or automotive security item”: section 4 (2)	6
7 Exemptions: section 6 (3)	6
Part 2 Licences—general provisions	7
8 Applications for licences and renewals of licence lodged by post	7
9 Composite licences: section 9 (2)	7
10 Shortened term for licences	7
11 Fees	7
12 Information and particulars supporting licence application: section 14 (2) (b).....	8
13 Grounds for refusal to grant licence: section 15 (4)	11
14 References to close associate: section 15 (5).....	12
15 Offences and civil penalties that disqualify applicants	12
16 Voluntary surrender of licence	14
17 Surrender of licence: section 31	15
18 Requirement to notify change of licence particulars	15
19 Notification of lost etc licences	15
20 Application for replacement licence	16
21 Application for variation of master licence	16

22 Application for variation of licence	16
23 Amendment of licence.....	16
24 Special licence conditions—fingerprints and palm prints: section 21 (3) (b)	16
25 Revocation of licence—additional reasons: section 26 (1) (d)	17
26 Revocation or suspension of licence by court.....	17
Part 3 Master licences—special conditions	17
27 Requirement to display master licence	17
28 Requirement to display licence number	17
29 Job advertisements.....	18
30 Requirement to notify changes relating to close associates.....	18
31 Public liability insurance	18
32 Records required to be kept by master licensees	19
33 Copies of licences.....	20
34 Incident registers.....	20
35 Sign-on register	21
36 Vehicles used for cash in transit activities.....	22
Part 4 Visitor permits	24
37 Fee to accompany permit application.....	24
38 Information and particulars to accompany permit application	24
Part 5 Temporary excess provision of security activities permit.....	25
39 Fee to accompany permit application.....	25
Part 6 Miscellaneous provisions	25
40 Uniforms and vehicle markings	25
41 Security recordings.....	26
42 Offence of impersonating a licensee	26
43 Approval of persons or organisations providing approved training, assessment and instruction	27
44 Register	27
45 Penalty notice offences and penalties: section 45A.....	27
46 Savings.....	28
Schedule 1 Exempt persons.....	28

Schedule 2 Fees	31
Schedule 3 Penalty notice offences	32

Security Industry Regulation 2016



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Security Industry Regulation 2016*.

2 Commencement

This Regulation commences on 1 September 2016.

Note—

This Regulation replaces the *Security Industry Regulation 2007*, which is repealed on 1 September 2016 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.

Security Licensing and Enforcement Directorate means the Security Licensing and Enforcement Directorate within the NSW Police Force.

the Act means the *Security Industry Act 1997*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(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, Part 1: 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 carrying on of an activity, other than an activity 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),
- (b) the carrying on of any other locksmithing activity (the relevant licence being a class 2C licence),
- (c) the carrying on of the activity of offering to sell, install, maintain, repair and service, and provide advice in relation to, security equipment (the relevant licence being a class 2C licence).

6 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 ordinarily used for basic household security and capable of being installed by the owner or occupier, including doors and grilles, door and window locks, padlocks, portable safes weighing not more than 50 kilograms or other electronic or mechanical security items (other than items that are ordinarily installed, maintained or serviced by or on behalf of the supplier of the item),
- (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.

7 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.

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 that period.

11 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 2.
- (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 2.
- (4) For the purposes of section 17 (3) of the Act, the prescribed late fees are specified in Part 3 of Schedule 2.
- (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 withdrawn or 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 Part 1 or 2 of Schedule 2 opposite that relevant fee as the processing component of the fee.

12 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 (2)) include the following information:
- (a) the applicant's name, date and place of birth and residential address,
 - (b) 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),
 - (c) the security activities that the applicant proposes to carry on under the licence,
 - (d) evidence of the applicant's competencies and experience referred to in section 15 (1) (c) of the Act,
 - (e) evidence of the applicant's completion of the requisite training, assessment and instruction for the class of licence sought referred to in section 15 (1) (d) 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.
- (2) The information referred to in subclause (1) (d) and (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.
- (3) **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 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) 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 30 (if applicable to the applicant).
- (4) **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) if the application is for the variation of a licence—the number and expiry date of the existing licence,
- (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 30 (if applicable to the applicant).

(5) **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 30 (if applicable to the applicant).

(6) 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.

13 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 by way of a member's voluntary winding up, or

(ii) the Commissioner is satisfied that the person took all reasonable steps to avoid the liquidation or administration.

(2) In determining the reasonable steps that could be taken by a person to avoid bankruptcy, liquidation or administration, the Commissioner is to have regard to the steps that could have been taken by the person at the time that the financial difficulties leading to the bankruptcy, liquidation or administration arose.

(3) **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.

(4) **Discretionary grounds for refusal** For the purposes of section 15 (4) of the Act, the

Commissioner may refuse to grant an application for a 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, contravened any provision of the Act or the regulations under the Act, whether or not the applicant or close associate of the applicant has been convicted of an offence in relation to the contravention.

- (5) **Discretionary grounds for refusal—master licence** 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 Chapter 4 of the *Australian Consumer Law* that relates to a contravention of section 29, 31, 33, 34, 36 or 50 of that Law.

14 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)–(f) of the Act does not include a reference to a close associate of the applicant.

15 Offences and civil penalties that disqualify applicants

- (1) **Prescribed offences: section 16 (1) (a) and (b)** For the purposes of section 16 (1) (a) 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 psychoactive substance, 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*, 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 an offence in respect of which the penalty imposed includes any term of imprisonment (whether or not suspended), an intensive correction order, a community correction order, a conditional release order, a good behaviour bond, a community service order or a penalty of \$200 or more.

(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 31 of the *Work Health and Safety Act 2011* 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 93T or 351A of the *Crimes Act 1900*.

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

- (a) an offence referred to in subclause (1) (a), (b) or (d)-(l),
- (b) an offence under the law of any Australian or overseas jurisdiction involving assault of any description, being an offence that, in the opinion of the Commissioner, is a serious assault offence.

(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 (whether of the same or a different kind) have been imposed 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, 29, 31, 33, 34, 36 or 50 of that Law,
- (c) a pecuniary penalty imposed under section 546 of the *Fair Work Act 2009* of the Commonwealth that relates to a contravention of that Act.

16 Voluntary surrender of licence

A licensee may voluntarily surrender a licence by delivering to the Commissioner, a police officer or other approved person the licence together with a notice in writing indicating

the person's intention to cease to be a licensee.

17 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.

18 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.

Note—

Clause 30 provides that it is a condition of a master licence that the holder of the licence notify the Commissioner of any change in the particulars relating to close associates of the licence holder.

19 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.

20 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.

21 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 11 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.

22 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.

23 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.

24 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 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.

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

- (1) For the purposes of section 26 (1) (d) of the Act, a licence may be revoked if the Commissioner considers that it would be contrary to the public interest for the person to whom it is granted to continue to hold it.
- (2) For the purpose of determining whether it would be contrary to the public interest for a person to continue to hold a licence, the Commissioner may have regard to any criminal intelligence report or other criminal information held in relation to the person that:
 - (a) is relevant to the activities carried on under the class of licence held by the person, or
 - (b) causes the Commissioner to conclude that improper conduct is likely to occur if the person continues to hold the licence, or
 - (c) causes the Commissioner not to have confidence that improper conduct will not occur if the person continues to hold the licence.
- (3) The Commissioner is not, under the Act or any other Act or law, required to give any reasons for revoking a licence if the giving of those reasons would disclose the existence or content of any criminal intelligence report or other criminal information referred to in subclause (2).

26 Revocation or suspension of licence by court

For the purposes of section 40 (1) (c) of the Act, the relevant civil penalties (within the meaning of clause 15) are prescribed.

Part 3 Master licences—special conditions

27 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.

28 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 display the number of the master licence (in accordance with subclause (2)) on any sign on any of the licensee's business premises, on any other premises or on any vehicle or vessel that also displays the name under which the business is carried on, or any logo or other symbol representing the business or any words indicating that the premises, vehicle or vessel are used in connection with any security activity authorised by the master licence.
- (2) The number of the master licence must be displayed 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 sans serif 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.

29 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.

30 Requirement to notify changes relating to close associates

- (1) It is a condition of a master licence that the licensee must notify the Commissioner electronically, by post or in any other approved manner of:
 - (a) any change in the particulars relating to close associates included in an application under clause 12 (3) (a) (ii) or (4) (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.

31 Public liability insurance

If the holder of a master licence provides persons to carry on security activities involving the possession or use of firearms or the use of horses or 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.

32 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, 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 carry on security activities to be performed by a class 1 or class 2 licensee provided by the holder of the master licence:
 - (i) the name and address of the person engaging the master licensee to carry on those security activities, and
 - (ii) the address of the location at which the security activities are carried on, and
 - (iii) the date on and time at which the security activities are carried on, and
 - (iv) details of the security activities carried on, and
 - (v) the name of, and the number of the licence held by, the class 1 or class 2 licensee who carried on the security activities,
 - (d) details of any contract or agreement to carry on security activities 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,
 - (e) the registration number of any vehicle used in connection with the carrying on of security activities.
- (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.

33 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 on security activities on a recurrent basis (other than mobile patrol and cash in transit security activities), and
- (c) at any premises at which the holder is providing 3 or more class 1 licensees at any one time to carry on security activities (other than mobile patrol and cash in transit security activities).

34 Incident registers

- (1) If the holder of a master licence provides a class 1 licensee to carry on a security activity, 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 carrying on a security activity:
 - (a) in relation to a class 1A, 1B, 1C, 1D or 1F licensee—the licensee makes forcible physical contact with, or physically restrains, a person,
 - (b) in relation to a class 1C licensee—the licensee ejects a person from, or directs a person to leave, the place at which the security activity is being carried on,
 - (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 (unless the firearm is discharged in the course of training, assessment or instruction),
 - (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.
- (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 on security activities on a recurrent basis (other than mobile patrol and cash in transit security activities), and
 - (b) in the case of mobile patrol and cash in transit security activities and other security activities which are not carried on at particular premises on a recurrent basis—at the place of business at which the holder of the master licence’s records are kept, and
 - (c) at any premises at which the holder is providing 3 or more class 1 licensees at any one time to carry on security activities (other than mobile patrol and cash in transit security activities).
- (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) 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.
- (6) The requirement to keep a register under this clause is in addition to the requirement under clause 31 to keep records.

35 Sign-on register

- (1) If the holder of a master licence provides class 1 licensees to carry on security activities at particular premises on a recurrent basis (other than mobile patrol and cash in transit security activities), 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 in which each provided class 1 licensee who carries on security activities at those premises is able to record:
- (a) the class 1 licensee’s name, signature and licence number, and
 - (b) the time at which the 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 the 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.

- (2) If the holder of a master licence provides 3 or more class 1 licensees at any one time to carry on security activities at particular premises (other than mobile patrol and cash in transit security activities), it is a condition of the master licence that the holder must keep 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, the particulars referred to in subclause (1) (a)-(d).
- (3) If the holder of a class 1 licence (the **relevant person**) is provided by a master licensee to carry on security activities (other than mobile patrol and cash in transit security activities):
- (a) at particular premises at which the master licensee provides holders of class 1 licences to carry on security activities on a recurrent basis, or
 - (b) at particular premises at which the master licensee provides 3 or more class 1 licensees at any one time to carry on security activities,
- 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.
- (4) If the holder of a master licence is required to keep a sign-on register at particular premises, it is a condition of the holder's licence that the holder must take reasonable steps to ensure that each provided class 1 licensee who carries on security activities at those premises completes, in the approved manner, the sign-on register at those premises.

36 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 hands-free 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 sooner revoked by the Commissioner.

Part 4 Visitor permits

37 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—\$150 for each day or part of a day within the period of a proposed special event for which the visitor permit is sought.

38 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,
 - (d) the day or days on which the applicant proposes to carry on security activities under 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,
- (f) the day or days on which the applicant proposes to carry on security activities under the visitor permit.

Part 5 Temporary excess provision of security activities permit

39 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 6 Miscellaneous provisions

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.
- (3) 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.
- (4) A determination may be varied or revoked by a further determination of the Commissioner.
- (5) 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: 10 penalty units.
- (6) 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—20 penalty units, or
- (b) in the case of an individual—10 penalty units.

(7) 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.

(8) 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 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.

42 Offence of impersonating a licensee

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

Maximum penalty: 50 penalty units.

43 Approval of persons or organisations providing approved training, assessment and instruction

- (1) A list of persons or organisations approved from time to time by the Commissioner for the purposes of section 27A of the Act is to be published on the website maintained by the Security Licensing and Enforcement Directorate.
- (2) The Commissioner is to give notice in writing to any person or organisation removed from the list of approved persons or organisations as soon as practicable after the person or organisation is removed.

44 Register

- (1) The Commissioner is to maintain a register of licences issued under the Act and is to enter and keep in the register the following particulars in relation to each licence:
 - (a) the name, and Australian Business Number (if any), of the person to whom the licence is issued,
 - (b) the nominated person for the licence (if any), as referred to in clause 12 (4) (c) and (5) (c),
 - (c) the number of the licence,
 - (d) the class or subclass of the licence,
 - (e) the date of expiry of the licence,
 - (f) the current status of the licence,
 - (g) any other particulars that the Commissioner considers appropriate.
- (2) The Commissioner is to cause the information contained in the register to be available to the public on a NSW Government website.
- (3) The Commissioner may determine the manner and form in which the information is to be available under this clause.
- (4) The Commissioner may cause any error in or omission from the register to be corrected.

45 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 3 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 3.

- (2) If the reference to a provision in Column 1 of Schedule 3 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.

46 Savings

Any act, matter or thing that, immediately before the repeal of the *Security Industry Regulation 2007*, 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, Sydney Trains or NSW Trains 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, Sydney Trains or NSW Trains properties), but only to the extent to which the persons act in that capacity.
- 2** Authorised fire officers under the control of Fire and Rescue NSW 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, Department of Justice, but only to the extent to which the persons act in that capacity.
- 4** The Independent Liquor and Gaming Authority, but only to the extent to which it is exercising functions under section 141 of the *Casino Control Act 1992*.
- 5** Inspectors appointed under section 20 of the *Gaming and Liquor Administration 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 (but not with a dog), 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, or engage persons to install, basic security equipment such as locks, but only to the extent to which the persons do so in the course of their building activities or maintenance 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 who perform control room or centre monitoring 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 Transport Service of New South Wales 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 Transport Service of New South Wales 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 Transport Service of New South Wales 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 Department of Justice 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 the 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 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), but only to the extent to which the persons act in that capacity.
- 25** 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 as a first year apprentice or a first year trainee under the [Apprenticeship and Traineeship Act 2001](#).

- 26** 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.
- 27** 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.
- 28** 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.
- 29** 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.

- 30** 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.
- 31** Persons who provide other persons to carry out security activities in respect of which that other person is exempt from the operation of the Act, but only in relation to providing those other persons to carry out the security activities in respect of which the other person is exempt.

Schedule 2 Fees

(Clause 11)

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

Schedule 3 Penalty notice offences

(Clause 45)

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 27A (3)—where the offence is committed by a corporation	\$1,100
Section 27A (3)—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 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) (a) and (b)	\$1,100

Offences under this Regulation

Clause 19 (1)—where the offence is committed by a corporation	\$440
Clause 19 (1)—where the offence is committed by an individual	\$110
Clause 40 (5)	\$110
Clause 40 (6)—where the offence is committed by a corporation	\$220
Clause 40 (6)—where the offence is committed by an individual	\$110
Clause 40 (8)—where the offence is committed by a corporation	\$440
Clause 40 (8)—where the offence is committed by an individual	\$220
Clause 42	\$550