

Security Industry Amendment Act 2005 No 63

[2005-63]



New South Wales

Status Information

Currency of version

Repealed version for 1 July 2008 to 31 October 2012 (accessed 18 July 2024 at 2:29)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 3 to the [Security Industry Amendment Act 2012 No 49](#) with effect from 1.11.2012.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Security Industry Amendment Act 2005 No 63



New South Wales

An Act to amend the *Security Industry Act 1997* to make further provision with respect to the licensing and regulation of persons in the security industry; and for other purposes.

1 Name of Act

This Act is the *Security Industry Amendment Act 2005*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of *Security Industry Act 1997* No 157

The *Security Industry Act 1997* is amended as set out in Schedule 1.

4 (Repealed)

Schedule 1 Amendment of *Security Industry Act 1997*

(Section 3)

[1]-[64] (Repealed)

[65] Sections 38A-38C

Insert after section 38:

38A Prohibition on unauthorised subcontracting

- (1) This section applies if:
 - (a) a master licensee (***the principal***) is engaged by a person (***the client***) for the provision of any security activity other than the provision of a restricted security keying system, and
 - (b) the principal delegates any of the principal's functions under the contract to another master licensee (***the subcontractor***).
- (2) The principal must ensure that the contract for service between the principal

and the subcontractor is co-signed and approved by the client before any security activity is provided under the contract.

Maximum penalty:

- (a) in the case of a corporation—200 penalty units, or
- (b) in the case of an individual—100 penalty units or imprisonment for 6 months, or both.

- (3) If the subcontractor further subcontracts any of the security activities under the contract for service to another person (***the further subcontractor***), the subcontractor must ensure that the contract for service between the subcontractor and the further subcontractor is co-signed and approved by the client and the principal before any security activity is provided under the contract.

Maximum penalty:

- (a) in the case of a corporation—200 penalty units, or
- (b) in the case of an individual—100 penalty units or imprisonment for 6 months, or both.

- (4) Compliance with this section does not excuse non-compliance with section 38.

38B Supervising or monitoring licensees

- (1) A person (***the relevant person***) must not, for fee or reward, supervise or monitor the performance of a person who holds a provisional licence unless the relevant person is the holder of a class 1 licence authorising the relevant person to carry on the security activity to which the provisional licence relates.

Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.

- (2) A person (***the relevant person***) must not, for fee or reward, supervise or monitor the performance of a person who holds a class 1 or class 2 licence unless the relevant person is:
 - (a) the holder of a master licence, or
 - (b) in the case of a master licence held by a corporation, government agency or public authority—the person nominated by the corporation, agency or authority for the purpose of such supervision or monitoring, or
 - (c) the holder of a licence authorising the relevant person to carry on the security activity to which the class 1 or class 2 licence relates.

Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.

38C Rostering or scheduling of licensed persons to carry on security activities

A person (***the relevant person***) must not, for fee or reward, roster or schedule the carrying on of any security activity by a person who holds a class 1 licence, class 2 licence or provisional licence if the relevant person is not eligible to hold a licence because of section 16.

Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.

[66]-[88] (Repealed)