

**SECURITY (PROTECTION) INDUSTRY ACT 1985—  
REGULATION**

(Security (Protection) Industry Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Security (Protection) Industry Act 1985, has been pleased to make the Regulation set forth hereunder.

PAUL WHELAN, M.P.,  
Minister for Police.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Security (Protection) Industry Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definitions**

3. In this Regulation:

“general security purposes” means:

- (a) the provision or enhancement of security; or
- (b) the protection or watching of property;

“security key” means a key of a kind listed in Schedule 1;

“the Act” means the Security (Protection) Industry Act 1985.

**Exemptions: sec. 4**

4. For the purposes of section 4 (2) (a) of the Act, the following classes of persons are, to the extent specified as follows, exempt from the operation of the Act:

- (a) uniformed patrol officers, plain-clothes investigative staff and administrative officers of the Transport Investigation Branch, State Rail Authority (other than security guards stationed to perform watch and guard duty at State Rail Authority properties), to the extent to which they carry out duties in that capacity;
- (b) prison officers employed for the purposes of the Prisons Act 1952, to the extent to which they carry out duties in that capacity;
- (c) fire officers under the control of New South Wales Fire Brigades, to the extent to which they carry out duties in that capacity;
- (d) persons employed by the Sheriff's Office, Attorney General's Department, to the extent to which they carry out security duties in that capacity;
- (e) persons employed in the security and surveillance of a casino and persons who are key officials within the meaning of the Casino Control Act 1992, to the extent to which they carry out duties in that capacity;
- (f) persons who are employed by Australasian Correctional Management Pty Limited for the purposes of the administration and security of Junee Correctional Centre, to the extent to which they carry out duties in that capacity.

**PART 2—LICENCES****Certain activities requiring licences: sec. 8**

5. (1) For the purposes of section 8 (2) (d) of the Act, the following activities are prescribed activities:

- (a) sale of
  - (i) safes or vaults; or
  - (ii) mechanical, electronic, acoustic or other equipment designed or adapted for general security purposes, other than the sale, by retail to the general public at hardware stores and similar retail outlets, of locks, screen doors, house or car burglar alarms or other basic household or automotive security items;
- (b) duplication of security keys.

(2) For the purposes of the Act and this Regulation, there are 5 categories of Class 1 licences, as specified in the following Table:

**TABLE**

<b>Category</b>	<b>Endorsement</b>
A	Patrolling, protecting, watching or guarding any property.
B	Acting as a bodyguard.
C	Installing, maintaining or repairing: <ul style="list-style-type: none"> <li>(a) safes or vaults; or</li> <li>(b) mechanical equipment designed or adapted for general security purposes.</li> </ul>
D	Installing, maintaining or repairing electronic or acoustic equipment designed or adapted for general security purposes.
E	Sale of <ul style="list-style-type: none"> <li>(a) safes or vaults; or</li> <li>(b) mechanical, electronic, acoustic or other equipment designed or adapted for general security purposes.</li> </ul>

**Form of application for licence: sec. 9**

**6. (1)** For the purposes of section 9 (1) of the Act, the prescribed form of application for a licence or renewal or variation of a licence is a form approved by the Commissioner and requiring the following particulars:

- (a) for a Class 1 licence:
  - (i) the applicant's name and residential (and business, if any) address;
  - (ii) the applicant's date of birth;
  - (iii) the applicant's occupation;
  - (iv) the name of the applicant's employer (if any);
  - (v) in the case of an application for an original licence, particulars of the applicant's qualifications and experience;
  - (vi) in the case of an application for a renewal or variation of a licence, the number and expiry date of the existing licence;
  - (vii) such other particulars as the Commissioner may reasonably require in connection with the application;
- (b) for a Class 2 licence:
  - (i) the applicant's name and business address;
  - (ii) the applicant's trading name (if any);

- (iii) in the case of a partnership or company, the name of the partnership or company, the names of the partners (if applicable) and the address of the registered office or principal place of business;
  - (iv) in the case of an application for the renewal or variation of a licence, the number and expiry date of the existing licence;
  - (v) such other particulars as the Commissioner may reasonably require in connection with the application;
- (c) for a Class 3 licence:
- (i) the applicant's name and residential (and business, if any) address;
  - (ii) the applicant's date of birth;
  - (iii) the applicant's occupation;
  - (iv) the name of the applicant's employer (if any);
  - (v) in the case of an application for an original licence, particulars of the applicant's qualifications and experience;
  - (vi) in the case of an application for a renewal or variation of a licence, the number and expiry date of the existing licence;
  - (vii) such other particulars as the Commissioner may reasonably require in connection with the application.

(2) Particulars supplied in connection with an application for a Class 3 licence (being particulars relating to the matters specified in section 10 (1) or (2) of the Act) are to be verified by statutory declaration made by the applicant.

**Manner of applying for licence: sec. 9**

7. (1) For the purposes of section 9 (1) of the Act, the prescribed manner of making an application for a licence or renewal or variation of a licence is by the applicant lodging (in person) the completed prescribed form, together with any evidence required under section 9 (2) of the Act:

- (a) in the case of a Class 1 or Class 3 licence, at the police station nearest to the applicant's home; or
- (b) in the case of a Class 2 licence, at the police station nearest to the applicant's home or place of business,

or at such other place as the Commissioner may designate.

(2) The Commissioner may require an applicant for a licence or renewal or variation of a licence to be fingerprinted for identification purposes.

**Qualifications and experience: sec. 10**

**8.** For the purposes of section 10 (1) (c) of the Act, the prescribed qualifications and experience required of the holders of licences are as specified in Schedule 2.

**Alteration of particulars**

**9. (1)** In the event of a change in any of the particulars shown on a licence (including any change of address by the licensee), the licensee must notify the Commissioner of the change, and of the appropriate new particulars, within 14 days of the change.

Maximum penalty: 2 penalty units (in the case of an individual) or 10 penalty units (in the case of a corporation).

**(2)** The Commissioner may issue a duplicate licence for the unexpired portion of an existing licence:

- (a) on payment of the fee for that purpose; and
- (b) on surrender of the existing licence.

**Surrender of licence**

**10.** The holder of a Class 1 or Class 3 licence must deliver the licence to the police station nearest to his or her home or place of business within 14 days after the expiry of the licence.

Maximum penalty: 2 penalty units (in the case of an individual) or 10 penalty units (in the case of a corporation).

**Register of licences: sec. 27**

**11. (1)** For the purposes of section 27 (1) of the Act, the prescribed form of register is either of the following:

- (a) in writing containing the following particulars:
  - (i) the licensee's name and home address;
  - (ii) the licence number;
  - (iii) any conditions of, or endorsements on, the licence;
  - (iv) any cancellation or suspension of the licence;
- (b) by electronic data storage, capable of displaying the particulars specified in paragraph (a).

**(2)** For the purposes of section 27 (3) (b) of the Act, the prescribed form is in writing containing the particulars specified in subclause (1) (a).

**Fees**

**12.** The fees set out in the following Table are payable in relation to the matters set out in that Table:

**TABLE**

Application fee for licence, renewal or variation:	\$
Class 1 licence .....	35.00
Class 2 licence:	
Individual .....	100.00
Corporation .....	250.00
Class 3 licence .....	100.00
Non-refundable component:	
Individual .....	10.00
Corporation .....	20.00
Duplicate licence fee .....	10.00
Inspection of register:	
Examination of details of licence .....	13.00
Certificate or extract of licence particulars .....	38.00

**PART 3—MISCELLANEOUS****Returns by Clerk of Local Court: sec. 16**

**13.** For the purposes of section 16 of the Act:

- (a) the prescribed time for forwarding a return to the Commissioner is within 5 working days of the determination of the application or appeal to which the return relates; and
- (b) the prescribed manner of forwarding a return to the Commissioner is by sending it by post addressed to the Commissioner or by causing it to be delivered to the office of the Commissioner; and
- (c) the prescribed form for a return is in writing stating the following particulars:
  - (i) the name and residential or business address of the applicant or appellant;
  - (ii) the date and result of the determination of the application or appeal;
  - (iii) in the case of an appeal, the appellant's licence number and the class and category of the licence.

**Uniforms and vehicle markings**

**14. (1)** The Commissioner is to draw up guidelines with respect to:

- (a) the character and design of uniforms to be worn in connection with the carrying out of security activities; and
- (b) the markings that may be made on, and the design of any specified features of, vehicles used in any such connection,

and must make those guidelines available on request to any interested person.

**(2)** The Commissioner may, by notice to a person or the person's employer, advise:

- (a) that the character and design of the uniform worn by that person, by reason of some feature specified in the notice, do not accord with the relevant guidelines; or
- (b) that the vehicle used by that person, by reason of some marking or feature specified in the notice, does not accord with the relevant guidelines.

**(3)** A person to whom an advice has been notified in relation to a uniform or vehicle must not wear the uniform or use the vehicle, or permit his or her employees to do so, until the objectionable feature or marking has been corrected or removed.

Maximum penalty: 2 penalty units (in the case of an individual) or 10 penalty units (in the case of a corporation).

**(4)** Nothing in this clause applies to or in respect of a uniform worn or vehicle used by a person exempted by clause 4 in connection with the carrying on of a security activity in respect of which the exemption has effect.

**Keeping of accounts and other records**

**15. (1)** This clause applies to all licensees (other than the holders of Class 1 or Class 3 licences who are not self-employed).

**(2)** For each transaction entered into by a licensee in connection with the licensee's business, the licensee:

- (a) must, within 3 days of entering into that transaction, record full particulars of the following:
  - (i) the name of the client;
  - (ii) the work or services performed;
  - (iii) the remuneration paid to the licensee for the work or services (whether by way of salary, wages, contract, fee, commission or otherwise); and

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- (b) must keep the record, at the licensee's place of business, for a period of at least 3 years.

Maximum penalty: 2 penalty units (in the case of an individual) or 10 penalty units (in the case of a corporation).

**Inspection of records**

**16. (1)** Records kept for the purposes of this Regulation in respect of security activities carried on by a person in relation to whom a complaint has been made may be inspected at any reasonable time, at the place of business where they are kept:

- (a) by any police officer; or
- (b) by any person authorised in writing by the Commissioner for the purposes of this clause,

and any police officer or person so authorised may take copies of or extracts from those records.

**(2)** A person for the time being in charge of a place where any such records are kept must not, without reasonable excuse, fail to produce the records on demand made by a person who is authorised to inspect them and who produces evidence of his or her authority to do so.

Maximum penalty: 2 penalty units (in the case of an individual) or 10 penalty units (in the case of a corporation).

**(3)** A person who fails to produce records to a person authorised to inspect them does not contravene this clause unless it is established that the person was informed by the person so authorised, or that the person otherwise knew, that such a failure could constitute an offence.

**Delegates of the Commissioner: sec. 7**

**17.** For the purposes of section 7 (1) of the Act, any officer or temporary employee employed in:

- (a) the Police Service; or
- (b) the Attorney General's Department,

is a prescribed person.

**Duplication of certain keys**

**18.** A person who duplicates keys, in the course of his or her business or employment, must not duplicate a security key except in accordance with the procedures laid down by the Security Industry Council of New South Wales (in consultation with the Master Locksmiths' Association of Australia) and published with the approval of the Commissioner.

Maximum penalty: 2 penalty units (in the case of an individual) or 10 penalty units (in the case of a corporation).

**Repeal**

**19. (1)** The Security (Protection) Industry Regulation 1986 is repealed.

**(2)** Any act, matter or thing that, immediately before the repeal of the Security (Protection) Industry Regulation 1986, had effect under that Regulation continues to have effect under this Regulation.

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**SCHEDULE 1—SECURITY KEYS**

(Cl. 3)

## SECURITY KEYS

<b>BrandName</b>	<b>Keyway</b>	<b>Brand Name</b>	<b>Keyway</b>
(if any)		(if any)	
ABLOY	DISKLOCK	EFCO	CM
ABLOY	471 B C D	EFCO	DAR
ABLOY	471 I A D	EFCO	DBR
ABLOY	471 O A L	EFCO	DKR
ABLOY	471 R A D	EFCO	DMR
ABLOY	481 D A J	EFCO	GAR
ABLOY	481 E A J	EFCO	GB
ABLOY	481 X A L	EFCO	GBR
ABLOY	491 C	EFCO	GKR
ABLOY	6mm	EFCO	GM
ASTRA	X50 A	EFCO	GMR
ASTRA	X50 B	EFCO	HAR
ASTRA	X50 C	EFCO	HBR
ASTRA	X50 D	EFCO	HKR
ASTRA	X50 E	EFCO	HMR
ASTRA	X50 F	EFCO-KABA	QUATTRO
ASTRA	X50 G	EMHART/CORBIN	.R4.
ASTRA	X50 G M	EMHART/CORBIN	.R5.
ASTRA	X50 H	EMHART/CORBIN	XW59 A 1
ASTRA	X50 L	KABA	20 S
ASTRA	X50 L M	KABA	20
ASTRA	X50 L N	LOCKWOOD	BD
ASTRA	X50 M	LOCKWOOD	BF
ASTRA	X50 M N	LOCKWOOD	CE
ASTRA	X50 N	LOCKWOOD	CF
ASTRA	X59 A 1	LOCKWOOD	DF
ASTRA	X95 A	LOCKWOOD	EF
ASTRA	X95 A 1	LOCKWOOD	V7 UW
ASTRA	X95 A 2	LOCKWOOD	V7 UX
ASTRA	X95 AB	LOCKWOOD	V7 UY
ASTRA	X95 ABCD	LOCKWOOD	V7 UZ
ASTRA	X95 AC	LOCKWOOD	V7 VWR
ASTRA	X95 B	LOCKWOOD	V7 VXR
ASTRA	X95 B 1	LOCKWOOD	V7 VYR
ASTRA	X95 B 2	LOCKWOOD	V7 VZR
ASTRA	X95 BD	LOCKWOOD	V7 WXR
ASTRA	X95 C	LOCKWOOD	V7 WZ
ASTRA	X95 c 1	LOCKWOOD	V7 XY
ASTRA	X95 c 2	LOCKWOOD	V7 YZR
ASTRA	X95 CD	MEDECO	R.B.A.
ASTRA	X95 D	MEDECO	S.L.W.
ASTRA	X95 D 1	SCHLAGE	C (SPECIAL)

Brand Name (if any)	Keyway	Brand Name (if any)	Keyway
ASTRA	X95 D 1	SCHLAGE	E REVERSE
ASTRA	X95 D 2	SCHLAGE	F
BEST	E	SCHLAGE	F REVERSE
BEST	F	SCHLAGE	G
BLOCK	101	SCHLAGE	G REVERSE
BLOCK	102	SCHLAGE	K
BOYD	C (SPECIAL)		JA
BOYD	E REVERSE		ML
BOYD	F		MLV7
BOYD	F REVERSE		OZ 1
Boyd	G		OZ 2
BOYD	G REVERSE		OZ 3
BOYD	K		OZ 5
EFCO	CAR		OZ 6
EFCO	CB		OZ 7
EFCO	CBR		OZ 8

**SCHEDULE 2—QUALIFICATIONS AND EXPERIENCE REQUIRED TO  
HOLD LICENCE**

(Cl. 8)

Class of Licence	Endorsement	Qualification
CLASS 1:		
Category A	To patrol, protect., watch or guard any property.	Completion of security industry course approved by the Commissioner.
Category B	To act as bodyguard.	Completion of security industry course approved by the Commissioner.
Category C	To install, maintain or repair: <ul style="list-style-type: none"> <li>(a) safes or vaults; or</li> <li>(b) mechanical equipment designed or adapted for general security purposes.</li> </ul>	Such of the following as may be appropriate to the endorsement: <ol style="list-style-type: none"> <li>1. Locksmith's certificate.</li> <li>2. Australian recognised tradesperson's certificate appropriate to this class of licence.</li> <li>3. Other qualifications approved by the Commissioner.</li> </ol>

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Category D	To install, maintain or repair electronic or acoustic equipment designed or adapted for general security purposes.	Such of the following as may be appropriate to the endorsement: <ol style="list-style-type: none"> <li>1. Electrician's licence.</li> <li>2. Electrical fitter (automotive) certificate.</li> <li>3. Australian recognised tradesperson's certificate appropriate to this class of licence.</li> <li>4. Electrical trader's certificate.</li> <li>5. Automotive electrical trader's certificate.</li> <li>6. Electronic trade certificate.</li> <li>7. Other qualifications approved by the Commissioner.</li> </ol>
Category E	To sell: <ol style="list-style-type: none"> <li>(a) safes or vaults; or</li> <li>(b) mechanical, electronic, acoustic or other equipment designed or adapted for general security purposes.</li> </ol>	No prescribed qualifications.
CLASS 2:	To carry on the business of providing persons to carry on activities prescribed under a Class 1 licence.	No prescribed qualifications.

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CLASS 3:	To act as a security consultant.	Applicants for this class of licence should be able:
		(a) to demonstrate to the Commissioner by way of documents or references a minimum of 5 years' experience in the security industry of a kind which equips the applicant with sufficient knowledge to engage in the activity authorised by the licence; or
		(b) to satisfy the Commissioner that the applicant has qualifications of a standard, and appropriate experience, that equip the applicant with sufficient knowledge to engage in the activity authorised by the licence.

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**SCHEDULE 1—SECURITY KEYS****SCHEDULE 2—QUALIFICATIONS AND EXPERIENCE REQUIRED TO HOLD LICENCE**

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with minor modifications, the provisions of the Security (Protection) Industry Regulation 1986 under the Security (Protection) Industry Act 1985. The new Regulation deals with the following matters:

- (a) the exemption of certain classes of person from the operation of the Act (clause 4);
- (b) the activities for which a licence under the Act is required (clause 5);
- (c) the form and manner in which applications for a licence should be made (clauses 6 and 7);
- (d) the qualifications and experience that are necessary for holding a licence (clause 8);
- (e) requiring the holder of a licence to notify alterations in the particulars shown on the licence (clause 9);
- (f) the surrender of licences (clause 10);
- (g) the keeping of a Register of licences (clause 11);
- (h) the fees payable in connection with licences (clause 12);
- (i) returns to be made by Local Courts as to the way in which applications for licences have been dealt with (clause 13);
- (j) the establishment and enforcement of guidelines as to the uniforms and vehicle markings to be used in connection with the carrying out of security activities (clause 14);

- (k) the keeping and inspection of accounts and records (clauses 15 and 16);
- (l) the persons to whom functions under the Act may be delegated (clause 17);
- (m) the duplication of certain security keys (clause 18);
- (n) other formal provisions (clauses 1, 2, 3 and 19).

This Regulation is made under the Security (Protection) Industry Act 1985, including section 32 (the general regulation making power) and sections 4, 7, 8, 9, 10, 16 and 27.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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