



NSW Police Force

# New Offences and Increased Penalties: Information for Provisional, Class 1 & Class 2 Licence Holders

FACT SHEET 8

*This Fact Sheet provides information on new offences and significantly increased penalties under the amended Security Industry Act 1997 and the new Security Industry Regulation 2007 (“the legislation”).*

*The legislation introduces a range of licence holder responsibilities that will improve the professionalism of the security industry. Licensees have a duty to be aware of and comply with their legal obligations.*

*Other Fact Sheets provide further information on specific obligations*

## Which new offences are relevant to Provisional, Class 1 & Class 2 licence holders?

The majority of offences under the legislation are relevant to all licence holders, though some are specific to particular business activities. Each offence represents both a responsibility and a risk for licensees. Provisional, Class 1 and Class 2 licensees must ensure that they understand and comply with their particular responsibilities, however they are also encouraged to be aware of their employer’s responsibilities under the legislation.

The following **new** responsibilities under the legislation will be relevant to many licence holders or their employers. Failure to comply with these responsibilities is an offence.

- Employers must not permit employees who hold Provisional licences to carry on unsupervised security activities.
- A person must not supervise or monitor a Provisional licence holder unless they hold a Class 1 licence of the corresponding subclass.

- A person who is not eligible to hold a security licence, because of their criminal or related history, must not roster or schedule Provisional, Class 1 or Class 2 licence holders to perform security activities.
- Employers must prepare and implement a Fitness for Work policy that covers the use of alcohol and other drugs by employees.
- A person must not interfere with any security recording that captures an incident involving a licensee that would likely lead to criminal or disciplinary proceedings against that licensee, unless such proceedings have been finalised.

## Have any important changes been made to existing offences?

Many of the existing responsibilities and offences under the legislation have been reworded to improve clarity and to address issues that have emerged since the legislation was last revised. For example, the legislation now provides greater detail on how a licence must be worn to ensure that it is clearly visible.

## What are the penalties for offences under the legislation?

The maximum penalties for all offences can be found in the legislation, with monetary penalties being represented by a certain number of penalty units. The current value of a penalty unit is \$110.

Police have the option of dealing with most offences by issuing a penalty notice to the offender, which requires the payment of a fine unless the person elects to contest the notice at court. Penalty notice amounts for all relevant offences are shown in Schedule 2 of the Security Industry Regulation 2007.



Licence holders should note that penalties for offences under the legislation have significantly increased. For example, the maximum penalty for carrying on a security activity without the appropriate Provisional, Class 1 or Class 2 licence has risen from \$5,500 and/or six months imprisonment to \$55,000 and/or two years imprisonment.

In addition, the legislation requires the Commissioner of Police to revoke a licence, or refuse to issue a new one, if the licensee has committed three or more offences under the legislation during any two year period.

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### Where can I find more information?

The information provided in this Fact Sheet is for general guidance only; it does not constitute legal advice. Licensees should familiarise themselves with the amended Security Industry Act 1997 and the Security Industry Regulation 2007, which are available on the NSW Legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).



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