



NSW Police Force

# Record-keeping and other Requirements for Master Licence Holders

FACT SHEET 5

*This Fact Sheet provides information on Master licensees' requirements under the amended Security Industry Act 1997 and the new Security Industry Regulation 2007, including those relating to records that must be kept by Master licence holders. Licensees have a duty to be aware of and comply with their legal obligations.*

## What records are Master licence holders required to keep?

Under clauses 36 and 37 of the Security Industry Regulation 2007, it is a condition of a Master licence that the licensee keeps the following registers:

- *Employees and Services Register*, which:
  - records details of all licence holders employed by the Master licensee
  - identifies the supervisor of each employee who holds a Provisional licence
  - includes the required written instructions, documented work routines and personal progress checks for Provisional licensed employees (see Fact Sheet 2)
  - records details of every occasion on which the Master licensee is engaged to provide security services, including each mobile patrol visit.
- *Incident Register* (if Master licensee employs Provisional or Class 1 licence holders), which records the details of incidents that occur while the Master licensee's employees are conducting security activities and that involve:
  - forceable physical contact with, or physical restraint of, a member of the public
  - ejection of a member of the public from a location
  - an attack on a person by an employee's dog
  - the removal of an employee's firearm from its holster (unless for unloading or maintenance purposes)
  - the discharge of an employee's firearm.

If an incident involves a Provisional licensee, the name of that employee's supervisor must also be recorded.

## Where and for how long do I need to keep these registers?

The Employees and Services Register should be kept at the Master licensee's principal place of business. A separate Incident Register must be kept at each of the premises at which the Master licence holder's employees conduct security activities.

Each record within the registers must be kept for at least three years.

## Do I need to show these or other records to anyone?

The legislation authorises any police officer or any person who holds written authority from the Commissioner of Police (e.g. Security Industry Registry compliance staff) to:

- inspect and take copies of any record relating to the security operations of a Master licensee at any reasonable time at the place of business where the records are kept
- request, by written notice, that the Master licensee (or their representative), produce records for inspection. This may include a request that copies of the records be sent to a specified address by a specified date.

Master licence holders should note that this authority is not limited to records required to be kept under the Security Industry Act or Regulation. Police and authorised persons may inspect, copy, or require a Master licensee to produce, all relevant records, including those required to be kept by other regulators such as the Office of State Revenue, the Australian Securities and Investments Commission and the Australian Taxation Office. The NSW Police Force may notify these other regulators of any relevant issues that are identified in an audit of a Master licensee's records.

It is an offence for a Master licensee (or their representative) to fail to comply, without reasonable excuse, with a request to produce their records for inspection. The maximum penalty that applies is \$11,000 for corporations and \$5,500 for individuals.



## Are there any other changes to the requirements for Master licensees?

A number of other important changes have been made to the special conditions that apply to Master licences to improve clarity and to address issues that have emerged since the legislation was last revised. The following requirements apply from 1 September 2007, except where otherwise noted:

- **Requirement to display Master licence**

Master licences now need only be displayed at the licensee's principal place of business, rather than at each of the premises at which the licensee's employees conduct security activities.

- **Requirement to display Master licence number**

From 1 September 2008, the Master licence number must be displayed on any sign on any premises or vehicle used in connection with the licensee's security activities.

- **Job Advertisements**

Job advertisements no longer need to include information on criminal records checks and other probity assessment criteria. However, such advertisements must now include the name of the Master licensee, their registered business name/s (if any) and the Master licence number.

- **Requirement to notify changes relating to close associates**

Master licence holders must now notify the Commissioner in writing *within 14 days* of any change relating to the licensee's close associates.

- **Public liability insurance**

Master licence holders must obtain *and maintain* public liability insurance cover of \$10,000,000 if the licensee's security activities involve the possession or use of firearms or the use of dogs.

- **Vehicles used for cash in transit activities**

Master licence holders with employees involved in the protection of cash in transit should refer to clause 38 of the Security Industry Regulation 2007 for detailed vehicle requirements.

It is an offence, and grounds for revocation of a licence, if a licensee contravenes (fails to comply with) a condition of their licence. The maximum penalty that applies is \$22,000 for corporations and \$11,000 and/or six months imprisonment for individuals.

In addition to the special condition requirements, Master licence holders should note that, from 1 September 2007, they are required to prepare and implement a Fitness for Work policy that covers the use of alcohol and other drugs by employees.

## Security Industry Registry

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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 limit the requirements for Master licence holders and 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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