

**Supplementary  
Submission  
No 176a**

**INQUIRY INTO REGULATION OF BUILDING  
STANDARDS, BUILDING QUALITY AND BUILDING  
DISPUTES**

**Name:** Mr Duncan Kennedy

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PUBLIC ACCOUNTABILITY COMMITTEE in the Legislative Council  
Re: Inquiry into the Regulation of building standards, building quality and building disputes

Addendum to Submission # 176

Lodged via  
[Public.Accountability@parliament.nsw.gov.au](mailto:Public.Accountability@parliament.nsw.gov.au)

Date: 26<sup>th</sup> November 2019

Dear Committee

To reinforce what I believe to be the seriousness and the scope of the matters that I put before you in Submission # 176, I feel compelled to submit this addendum setting out, in summary form, the types of building / construction defect situations I was confronted with, virtually every day, when I was a Licensed Security Consultant

I feel that I need to make the point that for the first twenty odd years of my working life I was an accountant with no concept of what was going on the real world of the criminal, be they teenage-learners or hardened crims or anywhere in between. I learned my (Licensed Security Consultant) trade by observation, and I was often gob-smacked at the audacity and ingenuity of even the young beginner. The average honest citizen just has no idea - what to them may look strong and "kosha" security can often be a godsend to the criminal

When I use the term "not licensed" in this addendum, I mean "not holding the mandatory and relevant NSW security industry licences"

May I start off with this question?

- Is there anyone on this Public Accountability Committee who can say they deliberately do not lock the doors on their home at night to protect their family?
- Indeed, why even install a lock if it can be bypassed by a simple means surreptitiously, other than the designated key (which, when in terms of stopping a "baddie", an un-keyed latching mechanism would mostly do the same job)

Here are some of those stories

Brand new community centre at Glebe – architect had specified and had installed a "security" steel grille enclosure and security gate arrangement on the rear entrance. I was instructed to "replace it in its entirety". I was surprised that all I needed to bypass the locked gate was the ball-point pen from my pocket. Staff returning from lunch asked what I was measuring up for – when I told them, their answer was "bugger – that's how we get in when we have forgotten our keys"

Young lady living alone in a small house in North Sydney woke up around 2am one morning to find a naked male stranger in her bed – police said "no sign of forced entry – you must have forgotten to lock the door" – she told me that she never forgot to lock her door – I was able to breach her engaged lock in seconds without sound leaving no evidence using merely the business card from my pocket

A young lady in a so-called "security" apartment block at Harris Park, comprising some 30 units, came home from work, had a shower, and when she went back into her loungeroom she was confronted by three strangers who raped her. Police said "no sign of forced entry – she must have

let them in” – she said not so, and she set about suing the body corporate. The defence lawyers engaged a building certifier who reported that all locks were working properly. They told him to double check, and I was consulted.

I was able to get through the locked back door to the block using nothing but the earpiece of my sunglasses. I was able to get through the “security” blocker plate that had been fitted on the front door lock of the block with a piece of coat-hanger wire and I was able to get through the engaged lock on the front door to her actual apartment using a piece of celluloid – each of those taking only seconds, making no noise and leaving no evidence of the breaches

It is my contention that

- To sell the units to that block as a “security” building just because it had a “convenience intercom locking system” was deceptive (the installers were not licensed, and those intercom systems are being breached in many different ways every day)
- all locks had been installed not only illegally by unlicensed persons, but many defectively
- and the attempt to fix the front door lock with a blocker plate was just as deceptive

Apartment blocks are mostly a security nightmare – they would be sold as “security” apartments (so that they can sell them at an inflated price) but would have break-in after break-in all because the so-called security had been done illegally and defectively

You may remember the case of the murder of Morgan Huxley – a guy followed him home from the Oaks Hotel in Neutral Bay and broke into his home and murdered him. Several months after charging Daniel Kelsall with murder, the Police further charged him with aggravated B&E. But, I do not believe that they investigated whether or not that B&E was through an engaged lock that had been installed illegally and / or defectively under the Security Industry Act most likely resulting in a further criminal act by the firm and / or person who installed that lock.

The locking and barrier security industries are very much misunderstood – take this story as a typical example.

In the early 1990s, I appeared before a (NSW State) government inquiry into government purchasing. I made a statement about the purchasing of security screen doors by the Department of Housing which appeared in the press. The Minister wrote to the Committee advising that I had misled them. I argued with Department of Housing for two years, finally getting a letter from the Minister conceding that what I had told the Committee was correct all along and that in future they would NOT tell tenants that “security-screen doors” were being installed – only “heavy-duty fly-screen doors” (even although those latter doors appeared to the uninitiated tenant to be a “security” product), but even so, that did not get around the Act – the Act makes no mention of “security screen” doors – it is a question of “intent”) – that message of course did not filter down to the front line staff at Housing.

In the mid to late 90s another Housing Minister advised the Parliament that the Department would be spending (I think it was in the order of) \$10 million on security screen doors for tenants. Being the sole authorised supplier of such barrier security products to the State Government I rang up several (Housing) area managers only to be rejected on the basis that they already had their own security screen door suppliers. I reminded them that they were unlicensed and that I had a letter from a former Housing Minister advising that they were only “heavy duty fly-screen doors” – They told me that they “had forgotten about that letter” and that the Minister meant to advise the Parliament that it was “heavy-duty fly-screen doors that were being installed – and no, he would not be correcting his statement to the Parliament”.

**So, then a housing tenant got raped after a bloke broke through her screen door – she wanted to make a claim against Housing, but their defence was that it was only a “heavy-duty fly-screen door and she should not have been relying on it for her personal protection”**

In Canberra (yes, not NSW) they have an Arboretum housing, what I believe might be, very old and very expensive Bonsai – the main entry door (to the Bonsai display) appears to have been beautifully designed to complement the surrounds.

Looks to me as though I could get through the engaged lock in seconds without sound and without leaving any evidence – merely with the aid of a water bottle or perhaps a walking stick

My Local Member is Shelley Hancock – I remember that when she first entered Parliament, she had a couple of very nasty experiences (from memory nasty phone calls and a shot fired through her office window) – she had been provided with a Government office in Berry St Nowra. Yet, almost any “nasty” could get through her locked front door to that office, say at 9 o’clock at night, say when she was in the office alone, working – and they could do that without sound and without leaving any evidence – all they would have needed was a bent screwdriver. So, why would that not have breached our State OH&S legislation?

But not too far removed I guess from the fact that (and yes, I heard the story twenty years ago) security patrol guards, checking on government offices, rather than call somebody to come in and open up and turn the lights off often found they could save a lot of time by grabbing a teaspoon to circumvent the locked door and turn the lights off themselves

It is appalling that in this age of terrorism, we have politicians jumping up and down about protecting the public, but allow the likes of say the security fencing around Albion Park Regional Airport to be done by unlicensed persons, and done so defectively that any terrorist looking at google maps can see the serious security defect in that fencing

Every time I see a report of a B&E into a Rural Fire Service station or SES building and I hear Politicians jumping up and down about the stealing or destruction of vital life saving equipment which in an emergency could cost lives, I wonder why they ignore the fact that the “security” (as defined under the Security Industry Act) has most likely been done illegally by unlicensed persons

Certainly, banks these days mostly have more sophisticated security systems and procedures than they did just a short few years ago, but I think these stories well worth relating because they illustrate the lack of understanding of the security requirements in specialised building situations

As a licensed security consultant, I did about 500 bank branch inspections. I estimate some 200 of those after a preventable bank hold-up. Here are just three of those stories relevant to building issues

“A” Bank branch – after closing and locking up at 5 pm one Friday, and the staff were putting the money away in the open safe, bandits entered the bank through a window behind the teller counters, totally surprising the tellers. The window was approximately 1.5 metres high and about 2 metres wide and was protected by a heavy-duty galvanised steel grille comprising solid bars approximately 20mm x 12mm thick. So as not to make a noise the bandits cut a hole in that steel grille approximately 500mm high x 750mm wide (big enough to climb through and smash the window it was protecting) using the likes of only a “Stanley” or “Carton” knife [NOTE: Despite modern thinking, electronic protection would not have been an option for that window – only a

barrier security system was appropriate – there were only two “barrier security” options that would do the job as required and several which wouldn’t – the bank property people chose the wrong barrier security option]

“B” Bank replaced their branch “pop-up” screens with Kevlar screens with a vertical servery gap in them. Again, because of a lack of standards and understanding of the problem they had some 16 “counter-jumping” hold-ups (where the bandit jumped up on the counter and squeezed through the gap knowing that they could exit in a hurry out through the auto-egress doors from behind the teller area) – necessitating the retro-fitting of a grille system to narrow the gap – the bank property people not only badly designed the Kevlar screen system, they used unlicensed persons to install them

“B” Bank branches had many very heavy duty (and very expensive) bullet resistant doors fitted between the public area of the bank leading to behind the teller areas. Specially designed blocker plates had to be retrofitted because many of those doors could be opened in seconds without sound and without attracting attention merely by using a bent screwdriver – again, designed and installed by people who did not know what they were doing

I was installing a new glass-slider on my daughter’s house and I called on a local glass merchant to ask if they could supply me with an arrangement having a substantially better locking system than the “norm”. The salesperson asked me “why?” – I said that I was a licensed security consultant and I was seeing glass sliders broken through all the time and that wouldn’t be so if they were fitted with a proper locking arrangement. The answer totally surprised me “yes, we know that – but if we were to do it properly we would not be cost competitive – that is why you can buy from the hardware store and fit “key-lockable” bolts” (Incidentally, those key-lockable bolts too are almost never fitted correctly and as a result, are often broken through)

In the early 1990s the State Government came to us with a new security fixing device / system called the “TORX Security driver system” (NOT to be confused with the “TORX Tamper-Resistant driver system”). I made every attempt to get it incorporated into the Security Industry Regulation in the same manner as “Restricted Keys”, but to no avail. We were instructed that it was to be used for the installation of barrier security products on all State and Federal (within NSW) building sites and so long as we kept a ledger of the numbers obtained, and employees allocated, (i.e. a strict tracking of those driver bits) we could use them on our private installations.

These driver bits are quite small and easily concealable (in the mouth for example between the teeth and the gums)

In the late 1990s terrorism became a major problem – the State built the Goulburn Maximum Security facility – the plans went across my desk – they called for the fixing of “cover plates” over the locking mechanisms to the cells (so that the locks could be serviced) and specifically those cover plates were to be secured using the TORX Security driver system

In consultation with the Federal Government’s T4 Protective Services we used that TORX Security driver system to secure the likes of the magazines housing the Defence Force missiles at Orchard Hills, Kirribilli House, the homes of Ministers under threat, aspects of security at almost every Defence Force facility in NSW etc

For the NSW State Government, we used those TORX Security driver systems to secure the homes of the likes of Judges and Magistrates under threat, the homes of ICAC Commissioners and Police Commissions and families under witness protection

And privately we used them to secure the homes of thousands of families – for example to protect their children from a paedophile trying to climb in through a bedroom window

And as a side issue not specifically related to building issues, I see those same TORX Security driver systems being used to secure the locking systems on the (paperwork) “Security Destruction Bins” I see around government offices and hospitals etc

Then suddenly, in the early 2000s Bunnings started selling those TORX Security driver bits to any terrorist, terrorist sympathiser, rapist, paedophile, thief or the like, (or “nosy parker” wanting access to document destruction bins) “no questions asked – no record kept” (Incidentally, I wouldn’t have had too much of a problem had they just sold the TORX Tamper Resistant driver system – I could have lived with that) – So, I took it to Fair Trading claiming that once they sold the very first TORX Security Driver bit to a terrorist or criminal then it was no longer a “security device” and therefore they could not sell them as such. But Fair Trading didn’t want a bar of it

The “Push Button” green exit buttons on locked entry doors that I am seeing everywhere I go these days are very often so poorly fitted that they can be bypassed with the likes of a bent screwdriver and I can give you specific examples like a “retail shop” in Nowra and a pub in Sydney

I can show you the front door of a State Government facility here in the Shoalhaven. Whomever designed and installed it clearly recognised that it needed an added feature but that was so poorly designed that it can still be easily bypassed without sound and without leaving any evidence of the breach. Again, I believe it was installed illegally by an unlicensed person

Questions in the Legislative Council have confirmed that fencing around our Public Schools can only be done using properly (Police) licensed firms and their properly (Police) licensed installers [for example to prevent a paedophile “jerry-rigging” a fence panel down near the toilet block for later surreptitious entry]. Yet Education have spent some \$100 million dollars using non-licensed firms – illegally paid them and once brought to their attention refused to recover the money as required under the Security Industry Act, and then conspired to cover-up that illegality.

A subsequent letter from former Education Minister Rod Stokes claims that that fencing around public schools is NOT security fencing at all.

And that clearly is at odds with the advice on the Education website, questions asked in the Legislative Council, and the “intent” Provisions of the Security industry Act

Similarly, questions have been asked in the Legislative Council about security fencing around our jails where it was eventually confirmed that they are being installed illegally by unlicensed persons and paid for contrary to the specific provisions of the Security Industry Act. Then there was a break-out through the fence at the Nowra facility and one wonders whether or not it was with the help of a fencer involved in the installation

I stayed at a “security” unit block in Canberra to see Floriade. There was a notice on the board inside saying that they had had intrusion problems and a patrol guard would be calling twice a day to check the site. You knew that he had been – he left the firm’s business card stuck in the door. I was able to take that card and, using nothing else, gain entry through the locked front door and through the locked door to the unit in which we were staying. Look at this another way – every time that patrol guard called, he left a set of keys to gain entry not just into the block, but into at least several of the units

We lived in an apartment block in May's Hill. It had a separate electrical and telecommunications room with a locked door, the only key for which was held by the electricity supplier. Often when we got home from work in the winter and all turned on our heaters and started cooking the fuse switches would trip and we would have a black out in the block and the electricity supply company would take some four hours to get there and turn them back on.

We got sick of that so I started using the bent screwdriver from my B&E kit and we could have the power back on within a few minutes. Apparently, this annoyed the electrical power supply people because one day we came home from work to find that they had fitted an enormous barrel-bolt and very heavy-duty padlock. So the next time we lost power I made sure no one rang the electric supply company and with the help of another resident we pulled the pins out of the hinges, slid the back of the door out, retracting the still locked barrel-bolt, turned the power back on, reversed what we did with the door, put the pins back in the hinges. Took us 4 or 5 minutes longer than before. But, hey – criminals are doing likewise all over the State

On a similar note, in the last three years, I have had occasion to walk past the electric supply and telecommunications rooms of several hospitals and on some of them I note that access could be achieved by a criminal or deranged person just as easily. And frankly I would not want one of my family on an operating table if that were to happen

Time and time again, residents of apartment blocks would tell me that they thought they had good security just because a "security Intercom" system had been installed and they had paid a (often significant) premium for their apartment block to be described as a "security apartment block")

Yet, press 4 or 5 buttons and somebody always lets you in. Or wait until a resident is returning and walk in with them and they are not rude enough to shut the door in your face with the words "sorry, I don't know who you are" – Why cannot we start calling them "convenience intercoms"? THAT IS WHAT THEY ARE

Likewise, "security lighting" very often is nothing more than "convenience lighting" installed by someone who may set the lighting sensor so that they can come back later on such a track as not to trigger the sensor – AND IT IS HAPPENING FAR MORE THAN ANYONE IS AWARE.

I hear the promotions, and see the reviews, on how great the "new-age" electronic locking systems are. BUT, they still have a latching system and, if not fitted properly in accordance with the aims and objectives of the Security Industry Act, can still be by-passed in a host of different ways

Just thinking aloud here

Perhaps your Committee might ask Fair Trading for a "sneak peek" at

- my submissions to the Kathryn Greiner Inquiry into the Retirement Village Industry viz., dated 1/10/17 and my two addenda dated 20/10/17 and 21/10/17 – (all of which have been suppressed by Fair Trading – you might inquire why?)
- my submission to the Building Commissioner – Doc (1) – Doc (2) and Doc (3) all dated 26/08/19
- Fair Trading's response when the Building Commissioner handed over those documents to Fair Trading

Perhaps you might like to check if Fair Trading have knowingly and deliberately been illegally licencing firms under the Home Building Act to commit civil and / or criminal offences under the Security Industry Act? – And whether or not they continue to do so?

Now, I could write hundreds of such stories as they specifically relate to problems in the building and construction industries. It is time that the building industries gave credence to the criminal's (perhaps unwitting) knowledge of physics (fulcrums and levers for example), plain, but often experimental, ingenuity and sometimes downright strength

**It just doesn't make sense to me that the aspects of the Security Industry Act that impact upon building and construction should be ignored**

**Surely, it is now time to draw a line in the sand**

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