

LOCK PICKING IN AUSTRALIA

Lock Picking Laws, Legality and You.





Publishing Info

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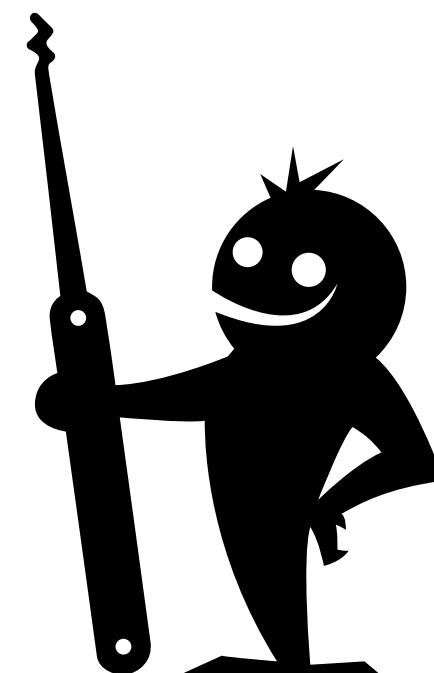
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Foreword

Pals, the following information is from our lawyers and at PickPals we wanted to help the lock picking community by providing quality advice that helps you make informed decisions about lock picking, lock sports, legality and your rights.

Keep it legal! It is vital we all follow the rules and code of conduct to keep the sport legal and legit. Lock Picking is a fast growing sport in Australia, and whilst we know our Pals do the right thing it's still important to remember the rules.

Remember, here at PickPals we want to promote and encourage the **benefits** of Lock Picking and help the sport grow within **Australia**. We need **your help** to do this. In this Lock Picking Guide, you'll find a few **simple rules** along with a **code of conduct** we follow here at **PickPals**.



Why bother learning lock picking?

Alright, before we begin let's look at why you should even give a toss about lock picking. Why are some people so into it?

Here's why we (and other lock pick enthusiasts) get a kick out of it:



It's so Cool

It's like being part of a secret society of stealthy, handy ninjas. And once you learn how to pick locks, you'll know how to do something a lot of people think is pure magic and only happens in the movies!



It's cost effective.

Some hobbies are so expensive (yeah snowboarding, we're looking at you). It's like you need thousands of bucks just to buy the most basic gear, and then there are membership fees and all the rest. Lock picking is a pretty contained hobby, when it comes to cost.



Increase your skills

Like most puzzles lock picking requires a lot of patience. While some locks are easy to pick others can be very challenging and take a pragmatic approach to understand the workings of the lock before you can successfully pick the lock. Lock picking is also great for dexterity and fine motor skills.



It's Fun

Knowing that you have the knowledge and knack to open doors without a key (legally, of course!) is pretty fun. And practicing lock picking gets pretty addictive, especially as you test your skills on tougher locks. Lock Picking has grown in popularity here in Australian and New Zealand. You can even enter comps.





Lock Sport Code of Conduct

First we need to establish a couple of rules shared by pretty much every lock sport association worldwide:

1

Never pick a lock you don't own without the owner's permission

The first rule is pretty understandable.

This is **ILLEGAL** and not what we stand for.

2

Never pick a lock in use

When you attempt to pick a lock you are exploiting weaknesses in the design. It is completely possible that in doing so you will damage or break the lock. Damaging an active lock can cost you hundreds of dollars.

Do not practice on your front door, windows, car or any other actively used locks. If you lock yourself out of your house: **call a locksmith.**

3

Follow the rules and keep lock picking legal for all.



Disclaimer

A word from our lawyers...

Disclaimer: The advice contained in this ebook is general in nature only and you are advised to seek professional advice on your own particular circumstances. The advice contained in the ebook only pertains to Australia and its states and territories.

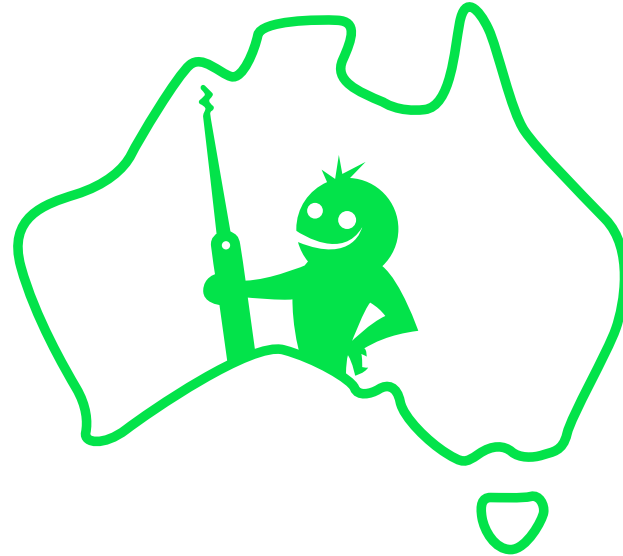


Is it legal to purchase lock picking tools in Australia?

It is not illegal to purchase lock picking tools in Australia!

There is no federal (Australia wide) law that sets out the situations in which it may be illegal to possess and use lock picking tools. The relevant law varies from state to state.

However, it may be illegal to possess and use lock picking tools in certain situations... but don't stress.



Here at PickPals we wanted to help our community understand the laws and legalities of lock picking in Australia and have created this ebook to help you make informed choices.

Am I allowed to keep lock picking tools at home for my personal and recreational use?

It is not illegal to keep lock picking tools at home if you will be using the lock picking tools for lawful purposes only such as recreational purposes like lock sport meet ups or for private use.

There are no current legal cases in Australia where recreational users of lock picking tools have been prosecuted. Lock sport associations worldwide have essentially three governing rules.

They are:

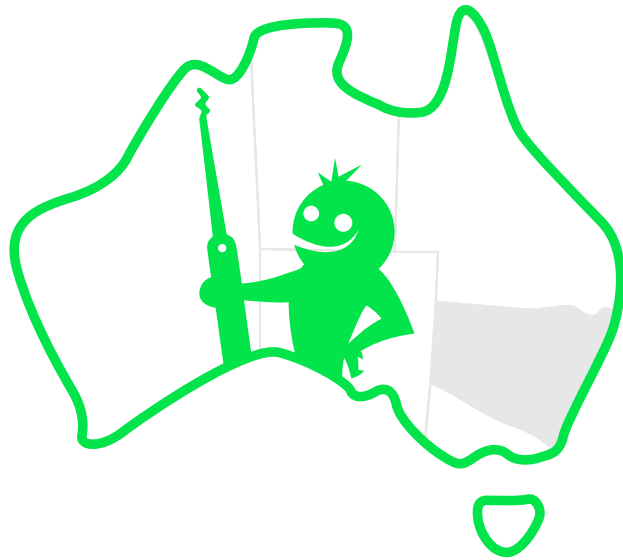
- Never pick a lock you do not own without the owner's permission;
- Never charge for picking a lock if you do not have the appropriate licence; and
- Never pick a lock in use as you may damage or break the lock in attempting to pick it.

Can I keep lock picking tools on my person when out in public?

As there is no federal law related to lock picking and lock picking tools, these rules vary from state to state within Australia.

In the following sections we have outlined the sections of law, as per the criminal code along with a example to help you understand in plain and simple English.



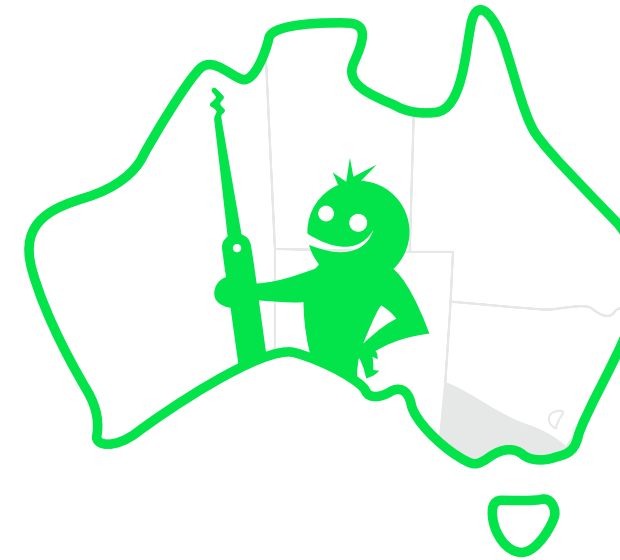


New South Wales

In the state of New South Wales, a person may be found guilty of an offence if they have in their possession, without a lawful excuse, any tool that is capable of being used to break into a premises, vehicle or a safe (section 114(1)(b) of the Crimes Act 1900 (NSW)). The offence is one of 'strict liability' which means that a person in possession of such tools does not have to have an intention to break into a premises, vehicle or safe. The fact that the tools are in the person's possession without a lawful excuse is sufficient and constitutes an infringement of the law.

Possession is not limited to carrying lock picking tools on your person and may, in certain circumstances, extend to keeping lock picking tools in e.g. your vehicle. An unlawful excuse is one which would appear to a reasonable person to be inadequate in the circumstances (O'Donohue & Wills & Ors [1999] NSWSC 661).

Example: If you are found to be in possession of lock picking tools, a lock and an entry ticket to a lock picking competition you may be regarded as having a lawful excuse for having the lock picking tools in your possession and it is highly unlikely that you would be found to have contravened the law in such circumstances. By stark contrast, being found to be in possession of lock picking tools while you are trespassing on your neighbour's property may be problematic.

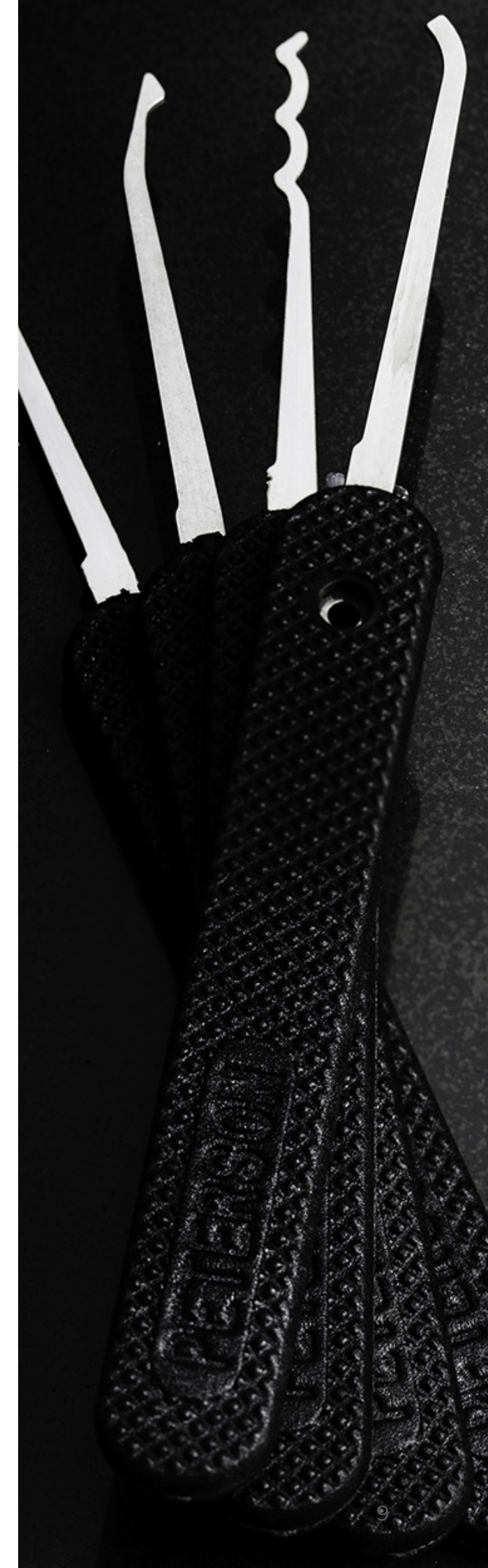


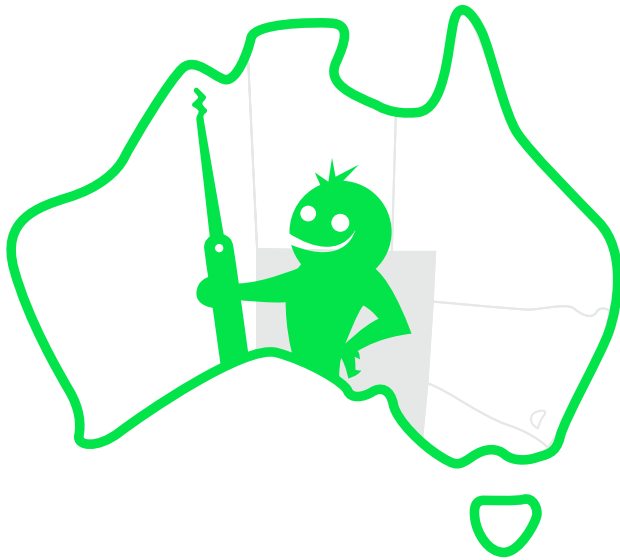
Victoria

In the state of Victoria, a person may be found guilty of an offence if they are found to be carrying lock picking tools in circumstances where it can be inferred that the person was about to commit burglary, theft or a cheat offence (section 91(1) of the Crimes Act 1958 (Vic)).

Example: Carrying lock picking tools to a friend's house where you intend to engage in a speed lock picking game is unlikely to amount to a contravention of the law in the state of Victoria.

Conversely, if you are found in possession of lock picking tools, a balaclava and other implements normally used to commit theft, you may be found guilty of an offence.





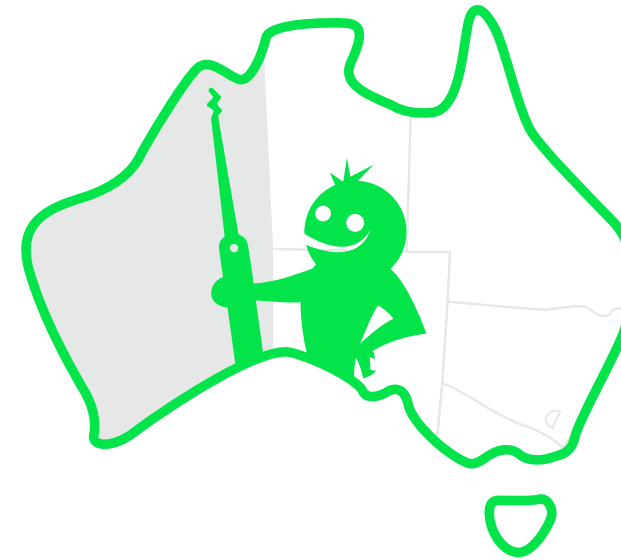
South Australia

In the state of South Australia, there is no law that deals directly and exclusively with the possession and use of lock picking tools. Section 270C(1) of the Criminal Law Consolidation Act 1935 (SA) says that a person may be found guilty of an offence if they are found to be in possession of lock picking tools with an intention to use those lock picking tools in suspicious circumstances (section 270C(1) of the Criminal Law Consolidation Act 1935 (SA)).

However, the section only applies to instances where a person is otherwise implicated in:

- an offence involving theft;
- serious criminal trespass;
- certain motor vehicle offences;
- dishonest dealings with documents;
- dishonest manipulation of machines; or
- property offences punishable by 3 or more years imprisonment.

Example: Merely possession of lock picking tools on your person while out in public would not, on the face of it, constitute an offence in the state of South Australia. However, being in possession of lock picking tools and attempting to gain access to a third party's vehicle (with or without the use of the lock picking tools) may amount to an offence.

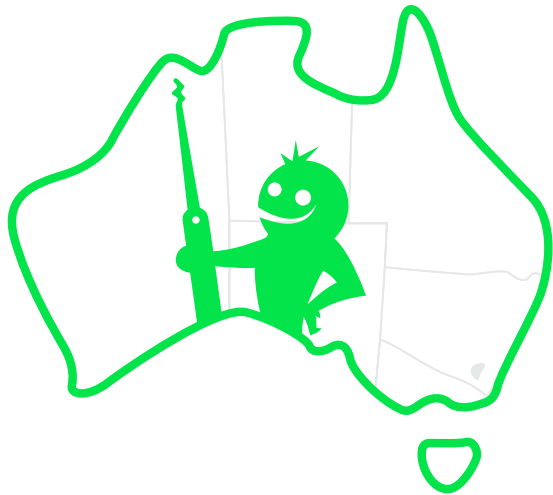


Western Australia

In the state of Western Australia, if a person is found to have lock picking tools on their person, at night, without a lawful excuse they may be found guilty of an offence (section 407(c) of the Criminal Code Act Compilation Act 1913 (WA)). An unlawful excuse is generally one which would appear to a reasonable person to be inadequate in the circumstances.

Similarly, if a person is found to have lock picking tools on their person, during the day, in circumstances where it can be inferred that they intended to use the lock picking tools to commit a crime, they may be found guilty of an offence (section 407(d) of the Criminal Code Act Compilation Act 1913 (WA)).

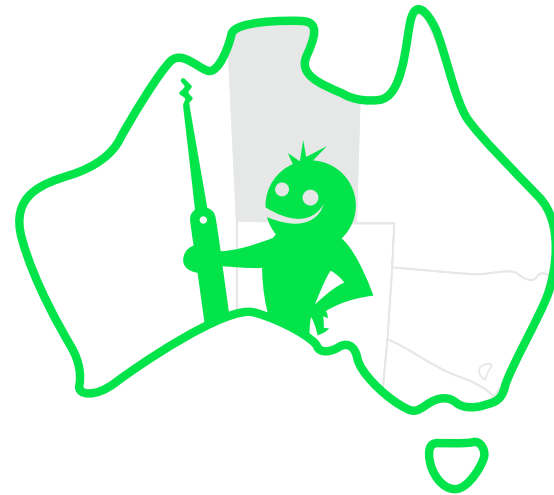
Example: Carrying lock picking tools late at night for no particular reason and with no intention to use them may be seen as suspicious and a contravention of the law. However, carrying lock picking tools during the daylight hours without a reason and without an intention to use them to commit an offence will not.



ACT

In the Australian Capital Territory, being found with lock picking tools on your person in circumstances where it can be inferred that you intend to use the lock picking tools in the course of theft or a related offence may constitute an infringement of the law (section 315(1) of the Criminal Code 2002 (ACT)).

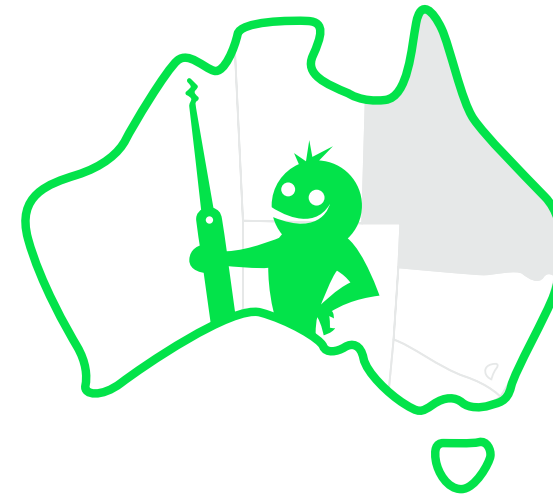
Example: Carrying lock picking tools to your place of work because you intend to practice lock picking during your lunch break is unlikely to amount to an offence. However, staying back at work after hours for the purpose of practicing lock picking is unwise as if there is a theft you may be implicated.



Northern Territory

In the Northern Territory, if a person has in their possession any dangerous thing, which may include lock picking tools, in circumstances where it can be inferred that they have an intention to commit an offence, the person may be found guilty of an offence (section 281 of the Criminal Code Act 1983 (NT)).

Example: Carrying lock picking tools in your backpack while grocery shopping would not amount to an offence. Being found to be in possession of lock picking tools while attempting to illegally enter a government building (with or without actually using the lock picking tools in your possession) may amount to a breach of the section.



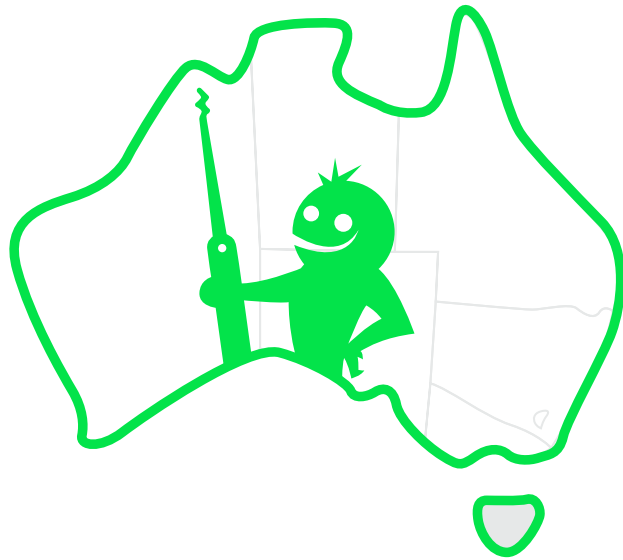
Queensland

In the state of Queensland, if a person is found to have lock picking tools on their person, at night, without a lawful excuse they may be found guilty of an offence (section 425(1) of the Criminal Code Act 1899 (Qld)). An unlawful excuse is normally one which would appear to a reasonable person to be inadequate in the circumstances.

Similarly, if a person is found to have lock picking tools on their person, during the day, in circumstances where it can be inferred that they intended to use the lock picking tools to commit an offence, they may be found to have infringed section 425(1) of the Criminal Code Act 1899 (Qld).

Example: Carrying lock picking tools late at night for no particular reason and with no intention to use them may be regarded as being suspicious and a contravention of the law. Conversely, carrying lock picking tools during the daylight hours without a reason and without an intention to use them to commit a crime will not.

Ultimately, if you are carrying lock picking tools in public, it would be useful if you are able to demonstrate that you are a member of a lock sport association or the like if you are ever questioned by authorities.



Tasmania

In Tasmania, any person who is found to be in possession of a dangerous instrument, which may include lock picking tools, in circumstances where it can be inferred that they intended to commit a crime may be found guilty of an offence (section 248(a) of the Criminal Code Act 1924 (TAS)).

Similarly, any person who is found to be in possession, without a lawful excuse, of any instrument made for entering into a place (i.e. lock picking tools) may be found guilty of an offence (section 248(a) of the Criminal Code Act 1924 (TAS)).

Example: If you are found to be in possession of lock picking tools at your local gym, without a lawful excuse, you may be guilty of an offence. Conversely, if the manager of the gym asked you to attend for the purpose of assisting them to open a faulty locker, it is highly unlikely that you would be regarded as contravening the law.



Am I able to carry my lock picking tools when going to and coming from lock sport meet ups?

In general, if you are not engaging in illegal activity and have a lawful excuse for carrying lock picking tools, it is unlikely that you would be committing an offence or contravening a law by carrying them.

Carrying lock picking tools to and from lock sport meet ups, in the absence of special circumstances, would not of itself amount to an offence in any Australian jurisdiction.



What does “intention to use” mean?

Many of the offences surrounding the possession and use of lock picking tools state that before a person can be found guilty of an offence, it must be established that the person had lock picking tools in their possession in circumstances which suggest that the person had an “intention to use” the lock picking tools in the commission of a crime.


Offences can be broken down into two distinct categories, namely, strict liability offences and offences that require an element of intention. A strict liability offence will be made out where a person commits an unlawful act, irrespective of whether they intended to commit the act or whether the contravention came about as a result of a mistake, inaction or some other circumstance.

On the other hand, offences that require intention will not be made out unless it can be established, with a certain degree of certainty, that the offender has an active intention (desire) to commit the wrongdoing in question. Intention or a lack thereof is made out by looking at the preparatory or pre-offence conduct of an offender.

Preparatory conduct that suggests an offender was undertaking a course of conduct that would enable them to commit a crime may lead to an inference that the offender had an intention to commit the crime.

Alternatively, conduct occurring before the commission of an offence that can be proved to be merely coincidental may lead to an inference that the offender had no intention to commit the crime.

Example: To put it in context, a person who purchases lock picking tools and other implements used to steal vehicles and who is later found loitering near a carpark with a backpack containing the lock picking tools and implements of theft may be considered to have an intention to commit the offence of stealing a vehicle.

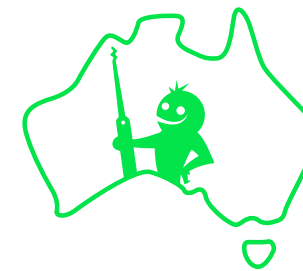


Am I likely to encounter problems if I pack lock picking tools in my checked baggage while travelling?



Overseas

Different countries have different rules and regulations about the types of implements that you can and cannot bring onto the aircraft and into the country. Before you travel, it is prudent to confirm with both your current and destination country (perhaps by asking the local Consulate or Embassy for that country) whether or not you can pack lock picking tools in your checked baggage and more importantly whether you can possess and use them while in the country.



Within Australia

If you are travelling out of or within Australia, lock picking tools may be packed in your checked luggage. However, tools, sporting goods and other things with sharp edges or points capable of injuring someone may not be able to be carried on board an aircraft. Please refer to the Civil Aviation Safety Authority's website for more information.

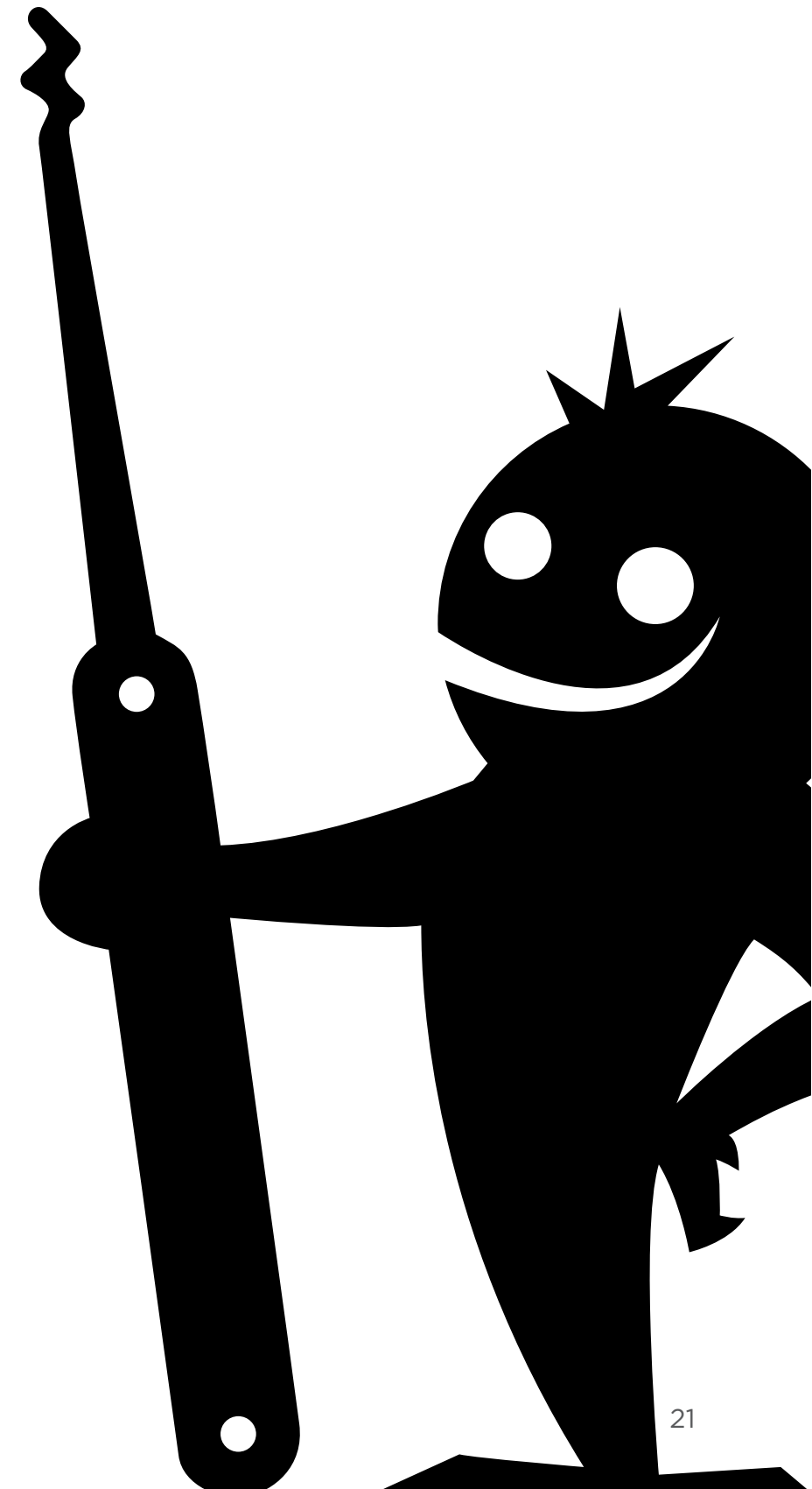
Alternatively, you may wish to use the Authority's dangerous goods search engine at <https://dangerousgoodsapp.casa.gov.au/>.



Let's get Picking!

Ok so now you are full bottle on the rules lets get picking! Make sure you are part of the community and join one of the great lock picking associations in your part of the world. You can find this list [here](#).

SHOP NOW





www.pickpals.com.au