



# SECURITY INDUSTRY LICENSING PRACTICE MANUAL

This practice manual sets out basic information on the *Security Industry Act 2000*, and the *Security Industry Regulations 2003* and provides information to assist applicants applying for a security licence.

OCTOBER 2008



OFFICE OF REGULATORY SERVICES  
DEPARTMENT OF JUSTICE & COMMUNITY SAFETY





# SECURITY INDUSTRY LICENSING PRACTICE MANUAL

## THIS PRACTICE MANUAL

The practice manual has been developed to assist applicants, current licensees and Office of Regulatory Services (ORS) staff in the interpretation, licensing and compliance with the ***Security Industry Act 2003*** (the Act). This practice manual sets out basic information on the Act and the ***Security Industry Regulation 2003*** (the Regulation) and provides information to assist applicants applying for a security licence.

It is intended that this practice manual will operate as a living document, which will be improved upon as policy or the law is amended. This may also include capturing responses to issues as they arise in the application of the policy and the law.

We encourage all stakeholders (applicants, licensees and staff) to feel comfortable in raising issues regarding this Manual, with a view to clarifying policy or legal issues, to improve the administration of the Act.

Written and published by the ACT Office of Regulatory Services

## OUR CUSTOMER COMMITMENT

### Who We Are:

We are the Office of Regulatory Services (ORS). The Office is made up of a variety of licensing, registration and compliance activities including:

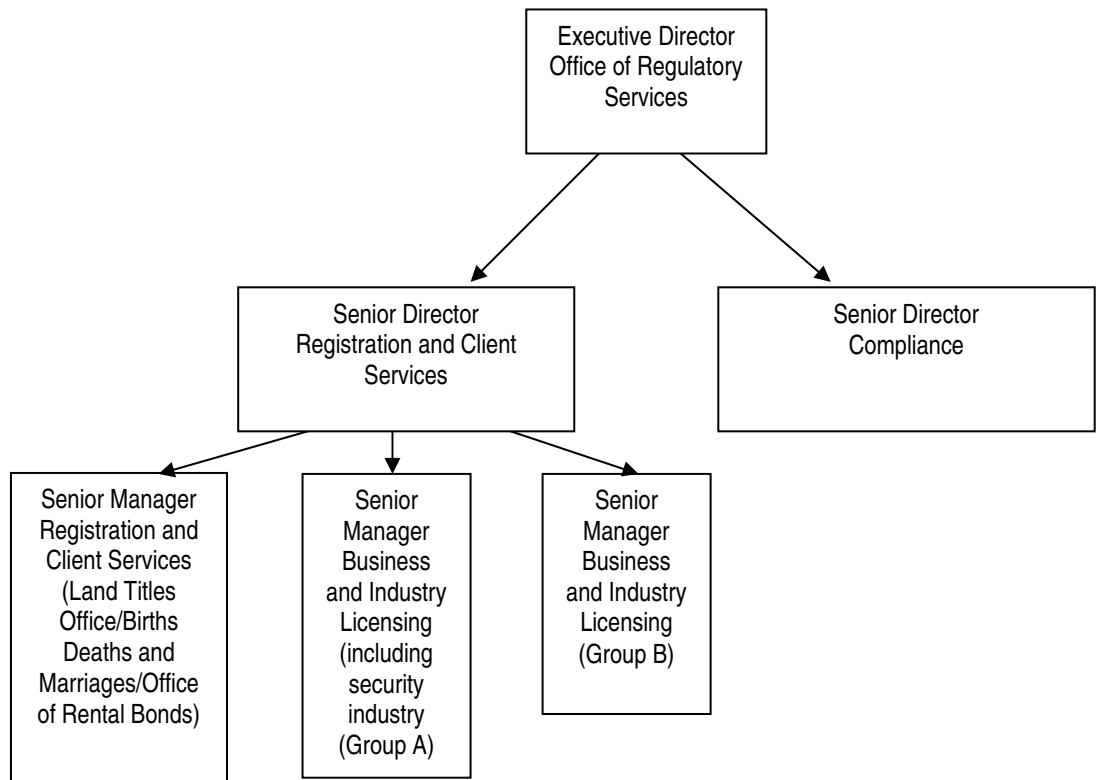
- Security Industry Licensing
- Liquor Licensing
- Charitable Collections
- Business Names
- Associations
- Real Estate Agents
- Land Titles
- Births, Deaths and Marriages
- Occupational Health and Safety
- Rental Bonds
- Outdoor Cafes
- Tobacco regulation
- Consumer protection

**Objective:**

Our mission is that we are a regulator of best practice, serving the ACT community, industry and government. Our objective is to register, licence and ensure compliance of activities against relevant legislation.

**About the Office:**

The Office is structured in the following manner:



## **What you can expect from us:**

As a customer you can expect high quality customer service.

In relation to the process of an application for a security licence, providing the application form is completed and provides all required information, the Office will endeavour to process new applications within 5 working days.

If you already have a security licence and are applying for a new licence, the Office will endeavour to process the application on the spot if the application is complete and does not require any additional supporting evidence.

If, however, the application is deficient and the Commissioner is not able to make a decision, the Commissioner will contact the applicant to request further information.

From a compliance perspective, the ORS will actively enforce licensee obligations under the Act. Further information on compliance activities can be found at Chapter 7.

## **Where to get more information:**

Information relating to security licences can be found at our website at: [www.ors.act.gov.au](http://www.ors.act.gov.au)

## **If you wish to make a complaint or you have a suggestion:**

Please contact the ORS on (02) 6207 0562 or via email at [ors.bil@act.gov.au](mailto:ors.bil@act.gov.au)

### Or attend the office at:

255 Canberra Avenue  
FYSHWICK ACT 2609

### Our office hours are:

9am - 4.30pm Monday to Friday (excluding Public Holidays)

You may also wish to refer to our Complaints Policy at Chapter 8.

## CONTENTS

THIS PRACTICE MANUAL.....	1
OUR CUSTOMER COMMITMENT .....	2
CONTENTS .....	5
<b>CHAPTER 1 - THE LEGISLATION .....</b>	<b>7</b>
1.1 PURPOSE OF THE LEGISLATION .....	7
1.2 IMPORTANT CONCEPTS .....	7
<b>CHAPTER 2 - LICENSING.....</b>	<b>9</b>
2.1 REQUIREMENT FOR A LICENCE.....	9
2.2 EXEMPTIONS .....	10
2.3 TYPES OF LICENCES .....	11
<b>CHAPTER 3 - APPLYING FOR A LICENCE.....</b>	<b>14</b>
3.1 HOW AND WHERE TO LODGE AN APPLICATION FOR A SECURITY LICENCE .....	14
3.2 MUTUAL RECOGNITION .....	14
3.3 FILLING IN THE APPLICATION FORM.....	15
3.4 APPLYING FOR A LICENCE .....	17
<b>CHAPTER 4 - CONSIDERING APPLICATIONS FOR A LICENCE .....</b>	<b>20</b>
4.1 ELIGIBILITY CRITERIA FOR BEING ISSUED A LICENCE .....	20
4.2 DECISIONS ON APPLICATIONS.....	23
4.3 FORM OF A LICENCE.....	24
4.4 PAYMENT OF FEES .....	24
<b>CHAPTER 5 - RULES FOR CROWD CONTROLLERS.....</b>	<b>25</b>
5.1 WHAT IS A CROWD CONTROLLER? .....	25
5.2 RULES FOR CROWD CONTROLLERS .....	26
<b>CHAPTER 6 - LICENCES - TRANSFERS, RENEWALS AND ALTERATIONS.....</b>	<b>28</b>
6.1 TRANSFER OF A SECURITY LICENCE .....	28
6.2 RENEWAL OF A SECURITY LICENCE .....	28
6.3 VARYING A LICENCE .....	28
6.4 NOTIFYING THE COMMISSIONER OF CHANGES OF DETAILS .....	28

**CHAPTER 7 - COMPLIANCE AND RISK PROFILE ..... 29**

- 7.1 COMPLIANCE .....29
- 7.2 INSPECTIONS .....29
- 7.3 PENALTIES RESULTING FROM INSPECTIONS OR NON-COMPLIANCE WITH THE  
ACT OR REGULATION ..... 30

**CHAPTER 8 - COMPLAINTS POLICY ..... 32**

- 8.1 HOW TO MAKE A COMPLAINT ABOUT AN ORS OFFICER .....32
- 8.2 HOW TO MAKE A COMPLAINT ABOUT A SECURITY LICENSEE OR AN  
UNLICENSED SECURITY INDIVIDUAL OR BUSINESS .....32

## CHAPTER 1 - THE LEGISLATION

### 1.1 PURPOSE OF THE LEGISLATION

#### 1.1.1 PURPOSE OF THE SECURITY INDUSTRY ACT 2003

The *Security Industry Act 2003* (the Act) provides for the licensing and regulation of people in the security industry.

The Act was developed in 2002 and when the Act was introduced its objectives were to:

- enhance compliance activities, primarily through the introduction of offences, including offences for unlicensed principals and employees in the industry;
- bring the ACT into line with other Australian jurisdictions;
- clearly outline and monitor standards;
- impose mandatory training;
- clarify the provisions for dealing with breaches of standards; and
- prevent persons from commencing employment prior to the outcome of a criminal record check.

The Act provides for applications for licences, specific licence requirements, including training, and a range of offences. This Act provides a framework for regulation of the ACT security industry, with the detailed requirements for the security industry to be included in the Regulation.

A copy of the Act and its associated regulation can be obtained at [www.legislation.act.gov.au](http://www.legislation.act.gov.au) under Acts and then S for Security.

### 1.2 IMPORTANT CONCEPTS

#### 1.2.1 ENTITIES YOU SHOULD BE AWARE OF UNDER THE ACT

The Act recognises a number of entities that you should be aware of. The Act recognises the Commissioner for Fair Trading (the Commissioner), investigators and the Consumer and Trader Tribunal (the Tribunal) which is to be replaced with the ACT Civil and Administrative Tribunal. The Commissioner and investigators can be contacted through the Office of Regulatory Services (ORS) on 6207 3000.

The Commissioner is responsible for issuing of licences for the security industry and for taking disciplinary action against licensees. The Commissioner has delegated responsibilities for issuing and refusing licences to a number of officers in ORS.

Investigators have powers under the *Fair Trading (Consumer Affairs) Act 1973* to enter premises to ensure that the Act is being complied with.

The Tribunal can review licensing decisions made by the Commissioner (or the Commissioner's delegate) and can make decisions in regard to what disciplinary action is taken against a licensee following an application for disciplinary action made by the Commissioner.

### **1.2.2 TERMS YOU SHOULD BE AWARE OF UNDER THE ACT**

The Act uses the terms 'security activity' and 'security equipment'.

A 'security activity' is an activity regulated under the Act which generally requires a licence. A full list of security activities is at 2.1.2.

'Security equipment' is broadly defined to include any safe or vault, any mechanical, electronic, acoustic or other equipment designed or adapted to provide or enhance security or for the protection or watching of any property, and any device or equipment specified under the Regulation. The Regulation specifically includes security screen doors, security windows that have built-in locks and security garage doors that cannot be opened with keys, as security equipment. Security equipment does not include any device or equipment declared not to be security equipment under the Regulation.

## CHAPTER 2 - LICENSING

### 2.1 REQUIREMENT FOR A LICENCE

#### 2.1.1 OFFENCE FOR NOT BEING LICENSED

The Act requires any person who is carrying on a security activity in the ACT to have an ACT licence authorising the person to carry on the activity. Carrying on the activity without the applicable licence is an offence carrying a maximum penalty of \$5000 for an individual (or a director) and/or imprisonment for 6 months and a maximum penalty of \$25,000 for a corporation.

#### 2.1.2 WHAT IS A SECURITY ACTIVITY?

The Act sets out the security activities governed by the Act and where a licence is required. The following are security activities, if carried on as part of a business or the person's employment:

- (a) acts as a bodyguard or crowd controller;
- (b) patrols, protects, watches or guards property (including cash in transit);
- (c) installs, maintains, monitors, repairs or services security equipment;
- (d) gives advice in relation to security equipment or security;
- (e) carries on an activity in relation to security that is prescribed under the Regulation (including acting as a security consultant, selling security equipment and carrying out surveys and inspections of security equipment);
- (f) trains or instructs in relation to an activity mentioned in paragraphs (a) to (e);
- (g) employs or provides people to carry on an activity mentioned in paragraphs (a) to (f).

A person does not carry on a security activity only because:

- the person installs a lock as part of the person's occupation as a builder; or
- the person cuts unrestricted keys or sells self-install security systems.

In addition, the Regulation set out a number of exemptions from the requirement to be licensed.

## 2.2 EXEMPTIONS

Under the Regulation the following people are exempt from the operation of the Act:

- (a) a custodial officer;
- (b) a police officer;
- (c) the sheriff, a deputy sheriff and sheriff's assistant under the *Supreme Court Act 1933*;
- (d) the chief officer (fire brigade) and any other member of the fire brigade;
- (e) the chief officer (rural fire service) and any other member of the rural fire service;
- (f) a public servant who carries on a security activity in the Assembly precincts;
- (g) an inspector under the *Liquor Act 1975*;
- (h) a person who, in the course of the person's employment with an employer, gives advice in relation to security affecting the employer's business if—
  - i. the person does not carry on any other security activity for the employer; and
  - ii. the employer does not carry on a security business;
- (i) a person who, in the course of the person's employment with an employer, installs, maintains, monitors, repairs or services security equipment in relation to the employer's business if—
  - i. the person does not carry on any other security activity for the employer; and
  - ii. the employer does not carry on a security business;

- (j) a person who is carrying on a security activity in relation to an information system (including the computer hardware for the system);
- (k) a person who is a casino employee under the *Casino Control Act 1988*.

In addition, the Act does not bind the Commonwealth Crown. This means that Commonwealth officers, such as members of the Defence Force and protective service officers, are not bound by the *Security Industry Act 2003*.

The Regulation provides specific exemptions in regard to the requirement to hold a trainer licence. In particular the following people are exempt from the need to hold a trainer licence:

- (a) a person who provides training in relation to security activities in a training course other than a training course prescribed under section 8 (Prescribed training courses for employee licences—Act, s 21 (1) (a) (ii));
- (b) a person who provides a first-aid training course as part of a training course prescribed under section 8 who—
  - i. holds the qualification for satisfactory completion of the first-aid training course or a first-aid training course that the Commissioner for Fair Trading is satisfied leads to a higher qualification; and
  - ii. holds a Certificate IV in Assessment and Workplace Training.

## 2.3 TYPES OF LICENCES

### 2.3.1 THE FOUR LICENCE TYPES

The Act sets out four types of licences. The four licence types are:

- master;
- employee;
- trainer; and
- temporary.

Before applying for a licence you should consider which of the licence types are appropriate for the activity you are proposing to conduct.

### 2.3.2 THE MASTER LICENCE

A master licence is a licence that authorises the licensee to employ or provide people to carry on a security activity. This licence does not authorise the holder to also carry out security activities. For example, Roger holds a master licence for his business and employs people to carry out crowd control services. This licence does not authorise Roger to also act as a crowd controller without a separate employee licence. The reason for this is that there are no training requirements for a master licence, thus the holder of a master licence does not necessarily have the qualifications to perform functions under an employee licence.

A master licence is not required if you acquire contracted security services, although the contracting company must have an ACT master licence and comply with the requirements in the Act.

### 2.3.3 THE EMPLOYEE LICENCE

An employee licence authorises the licensee to do 1 or more of the following:

- (a) patrol, guard, watch or protect property (including cash in transit);
- (b) act as a bodyguard;
- (c) act as a security consultant;
- (d) act as a crowd controller;
- (e) sell security equipment;
- (f) carry out surveys and inspections of security equipment;
- (g) give advice about security equipment;
- (h) install, maintain, monitor, repair or service security equipment.

### 2.3.4 THE TRAINER LICENCE

A trainer licence is a licence that authorises the licensee to provide training in relation to security activities. The licence may relate to particular security activities or security activities generally.

### 2.3.5 THE TEMPORARY LICENCE

A temporary licence is a licence issued to someone who is not eligible to hold an employee licence. An applicant must be a trainee under the *Training and Tertiary Education Act 2003*. A temporary licence authorises an activity that may be authorised

by an employee licence. Under this category the licensee must be directly supervised by a licensee when they are carrying out a security function.

## CHAPTER 3 - APPLYING FOR A LICENCE

### 3.1 HOW AND WHERE TO LODGE AN APPLICATION FOR A SECURITY LICENCE

An application for a security licence should be lodged with the ORS at 255 Canberra Avenue, Fyshwick, using the appropriate forms on the ORS website at [www.ors.act.gov.au](http://www.ors.act.gov.au)

If you already hold a licence, the Office will only accept your application for a renewal within 6 weeks before it is due to expire (unless there are extenuating circumstances). If you apply earlier your new licence will commence on the date of application and will last for 12 months from then. This means that you will effectively be paying for a shorter licence. ORS will endeavour to process applications for a renewal on the spot (or within 5 working days) at the counter provided the application meets all of the requirements in the Act.

For further information on security licences please contact the ORS on telephone: (02) 6207 3000.

Before lodging an application for a security licence you should read this guide and the relevant provisions of the Act and Regulation.

### 3.2 MUTUAL RECOGNITION

If you hold a current licence of the same type in another State or Territory of Australia, you may be eligible to apply for a licence in the ACT under the “mutual recognition” principles. This means that you will be eligible for a licence without undergoing a police record check and without proving that you meet the eligibility criteria for the licence. For mutual recognition you will need to complete the form and have your declaration witnessed. You will need to provide ORS with a certified copy of your interstate licence. The ORS will make inquiries with the interstate licensing authority to confirm whether you currently hold the licence. This may take several days. Once confirmed, you will be eligible for a licence.

## 3.3 FILLING IN THE APPLICATION FORM

### 3.3.1 FILLING IN AN APPLICATION FORM FOR A MASTER LICENCE

The form for a master licence has the following parts:

**Part A (Information)** provides you with an overview as to what you require in applying for a security licence and the documents that must accompany an application.

**Part B (Personal Particulars Form)** must be filled out by each individual applicant, including a form for each executive officer of a corporation (company), or each partner in a partnership. This form requires information such as names, contact details, date of birth and residency status. An “executive officer” of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation’s management.

**Part C (Organisation Particulars Form)** must only be filled out if the applicant is a partnership or an incorporated body such as a company.

**Part D (Statutory Declaration)** must be filled out by all applicants, partners, and/or executive officers. This part assists the Commissioner to decide if it is in the public interest to grant a licence.

**Part E (Premises Details Form)** requires details of the premises from which the business of the master licence will be conducted.

**Part F (Credit Card Payment Authority)** can be completed by the applicant to provide for payment if the licence is granted. This avoids the applicant being required to attend the office again at the completion of the process. If the licence is not granted, there will be no charge applied to the credit card.

### 3.3.2 FILLING IN AN APPLICATION FORM FOR AN EMPLOYEE LICENCE

The employee form has the following parts:

**Part A (Information)** provides you with an overview as to what you require in applying for a security licence and the documents that must accompany an application.

**Part B (Personal Particulars Form)** provides for contact details for the applicant. The information required includes names, contact details, date of birth, residency status and personal ID.

**Part C (Additional Details Form)** provides for details of the employer or proposed employer and the subclasses of licence you seek for an employee licence.

**Part D (Statutory Declaration Form)** must be filled out by all applicants. The form assists the Commissioner in determining if it is in the public interest to grant you a licence.

**Part E (Mutual Recognition Statutory Declaration Form)** need only be filled out if you are seeking mutual recognition of a current interstate security licence for the same type of security activities.

**Part F (Credit Card Payment Authority)** can be completed by the applicant to provide for payment if the licence is granted. This avoids the applicant being required to attend the office again at the completion of the process. If the licence is not granted, there will be no charge applied to the credit card.

### 3.3.3 FILLING IN AN APPLICATION FORM FOR A TRAINER LICENCE

The trainer licence form has the following parts:

**Part A (Information)** provides you with an overview as to what you require in applying for a security licence and the documents that must accompany an application.

**Part B (Personal Particulars Form)** provides for contact details for the applicant. The information required includes names, contact details, date of birth, residency status and personal ID.

**Part C (Additional Details Form)** provides for details of the employer or proposed employer and the subclasses of trainer licence you are seeking. Details of your training qualifications must be provided in this part.

**Part D (Statutory Declaration Form)** must be filled out by all applicants. The form assists the Commissioner in determining if it is in the public interest to grant you a licence.

**Part E (Mutual Recognition Statutory Declaration Form)** need only be filled out if you are seeking mutual recognition of a current interstate security licence for the same type of security activities.

**Part F (Credit Card Payment Authority)** can be completed by the applicant to provide for payment if the licence is granted. This avoids the applicant being required to attend the office again at the completion of the process. If the licence is not granted, there will be no charge applied to the credit card.

### 3.3.4 FILLING IN AN APPLICATION FORM FOR A TEMPORARY LICENCE

The temporary licence form has the following parts:

**Part A** (Information) provides you with an overview as to what you require in applying for a security licence and the documents that must accompany an application.

**Part B** (Personal Particulars Form) provides for contact details for the applicant. The information required includes names, contact details, date of birth, residency status and personal ID.

**Part C** (Additional Details Form) provides for details of the employer or proposed employer and the subclasses of licence you seek for an employee licence. Details of your qualifications or your ACT training contract must be provided in this part.

**Part D** (Statutory Declaration Form) must be filled out by all applicants. The form assists the Commissioner in determining if it is in the public interest to grant you a licence.

**Part E** (Credit Card Payment Authority) can be completed by the applicant to provide for payment if the licence is granted. This avoids the applicant being required to attend the office again at the completion of the process. If the licence is not granted, there will be no charge applied to the credit card.

## 3.4 APPLYING FOR A LICENCE

### 3.4.1 DOCUMENTS TO ACCOMPANY AN APPLICATION FOR A LICENCE

3.4.1.1 An application for a master licence must be accompanied by:

- two forms of personal identification from the list contained on the application form for each sole trader, partner or executive officer;
- evidence of membership of an approved industry association (unless you are a locksmith or have a religious or conscientious objection to membership of an association);
- a Police Certificate for every sole trader, every partner and every executive officer;
- evidence of Citizenship or Resident status for every sole trader, every partner and every executive officer not born in Australia;

- if the application is from a company then a Company Extract, a Certificate of Incorporation and a Police Certificate for the company; and
- if the application is from a partnership then an extract of the partnership name as registered on the Australian Business Register.

3.4.1.2 An application for an employee licence must be accompanied by:

- two forms of personal identification from the list contained on the application form;
- evidence of your qualifications;
- evidence of Citizenship if you were not born in Australia; and
- a Police Certificate obtained by you from the Australian Federal Police.

3.4.1.3 An application for a trainer licence must be accompanied by:

- two forms of personal identification from the list contained on the application form;
- evidence of your training qualifications and attainment of competency in the prescribed training qualifications for the subclass of licence you require;
- evidence of Citizenship if you were not born in Australia; and
- a Police Certificate obtained by you from the Australian Federal Police.

3.4.1.4 An application for a temporary licence must be accompanied by:

- two forms of personal identification from the list contained on the application form;
- evidence of your qualifications or evidence of your current ACT training contract;
- evidence of Citizenship if you were not born in Australia; and
- a Police Certificate obtained by you from the Australian Federal Police.

### **3.4.2 IF FURTHER INFORMATION IS REQUIRED**

The Act provides for the Commissioner to require an applicant for a licence, or for variation of a licence, to give the Commissioner additional stated information or documents that the Commissioner reasonably needs to decide the application. Some examples include a copy of a work visa, information about close associates, details of

the circumstances of a particular conviction or finding of guilt and evidence of experience if no qualifications.

If additional information is needed, the application will not be processed until the information is received.

### **3.4.3 SEEKING INFORMATION FROM THIRD PARTIES**

The Act permits the Commissioner to seek information from a third party with an association or with an applicant for a licence. The Commissioner can require a third party to:

- (a) provide stated information that is relevant to the consideration of the application;
- (b) produce stated records relevant to the consideration of the application and allow copies of the records to be taken;
- (c) give the Commissioner consent to allow the Commissioner to obtain information (including financial and other confidential information) from other people about the applicant and the applicant's associates or relatives.

If additional information is needed, the application will not be processed until the information is received.

### **3.4.4 FINGERPRINTING**

The Act permits the Commissioner to give notice to an applicant that the applicant must allow a police officer to take the applicant's fingerprints to confirm the applicant's identity. This will only occur if the Commissioner is satisfied that there is reasonable doubt about the applicant's identity; and proof of the applicant's identity cannot be confirmed in any other way that is reasonably available.

If additional proof of identity is required, the application will not be processed until the applicant's identity is confirmed.

When the fingerprints are no longer needed to confirm an applicant's identity, the fingerprints and any copies will be destroyed and the applicant will be advised of the destruction.

## CHAPTER 4 - CONSIDERING APPLICATIONS FOR A LICENCE

### 4.1 ELIGIBILITY CRITERIA FOR BEING ISSUED A LICENCE

#### 4.1.1 GENERAL SUITABILITY CRITERIA

The Act provides that the Commissioner must not issue or vary a licence unless satisfied that: (

- (a) the applicant is an adult (if the applicant is an individual);
- (b) if applying for an employee or trainer licence that they are or will be employed by a master or hold their own master licence;
- (c) the applicant has satisfactorily completed the training set out in the Regulation for the type of licence (or has equivalent training or experience);
- (d) the applicant satisfies any condition prescribed under the Regulation for the licence; and
- (e) it is otherwise in the public interest to licence the applicant (see 4.1.4).

Under this section the Commissioner is required to consider the above criteria in regard to close associates of a master licensee, each executive officer of a corporation and each partner in a partnership.

#### 4.1.2 TRAINING REQUIREMENTS

The Act requires all applicants for an employee or trainer licence to undertake training prior to being issued with a licence. Requiring training to be completed prior to issuing a licence was one of the objectives in creating the Act. The training requirements for each licence subclass are as follows:

Employee licence subclass	Mandatory training
Patrol, guard, watch or protect property (including cash in transit) (the Act, s 13 (1) (a))	Certificate II in Security Operations

<b>Employee licence subclass</b>	<b>Mandatory training</b>
Act as bodyguard (the Act, s 13 (1) (b))	Certificate II in Security Operations with electives about– <ul style="list-style-type: none"> <li>▫ protecting people; and</li> <li>▫ protecting self and others using basic defensive tactics</li> </ul>
Act as security consultant (the Act, s 13 (1) (c))	Certificate IV in Security and Risk Management
Act as crowd controller (the Act, s 13 (1) (d))	Certificate II in Security Operations with electives about– <ul style="list-style-type: none"> <li>▫ controlling access to and from premises; and</li> <li>▫ monitoring and controlling individual and crowd behaviour; and</li> <li>▫ protecting self and others using basic defensive tactics</li> </ul>
Sell security equipment (the Act, s 13 (1) (e)) carry out surveys and inspections of security equipment (the Act, s 13 (1) (f)) give advice about security equipment (the Act, s 13 (1) (g))	<ul style="list-style-type: none"> <li>▫ for a person who is not a locksmith–Certificate II in Technical Security</li> <li>▫ for a locksmith–Certificate III in Engineering Technology (Locksmithing stream) or Certificate III in Engineering-Mechanical Trade (Locksmithing)</li> </ul>
Install, maintain, monitor, repair or service security equipment (the Act, s 13 (1) (h))	<ul style="list-style-type: none"> <li>▫ for a person who is not a locksmith–Certificate III in Technical Security</li> <li>▫ for a locksmith–Certificate III in Engineering Technology (Locksmithing stream) or Certificate III in Engineering-Mechanical Trade (Locksmithing)</li> </ul>
Trainer licence	<ul style="list-style-type: none"> <li>▫ certificate IV in Assessment and Workplace Training; and</li> <li>▫ the training course or a higher qualification than the one they are proposing to provide</li> </ul>

#### 4.1.3 POLICE RECORD CHECKS

Applicants for a security industry licence must provide the Commissioner with a Police Certificate detailing the results of a police record check undertaken by the Australian

Federal Police. To obtain a Police Certificate you must lodge your consent form for a police record check with:

Australian Federal Police  
Criminal History Vetting  
Locked Bag 1  
WESTON ACT 2611.

A copy of the consent form can be obtained at [http://www.afp.gov.au/\\_data/assets/pdf\\_file/3683/NE\\_CR100.pdf](http://www.afp.gov.au/_data/assets/pdf_file/3683/NE_CR100.pdf) . Please read the information accompanying the form prior to lodging your consent form with the AFP.

On the front page of the AFP consent form at item (iv) you need to write **APPLICATION FOR AN ACT SECURITY INDUSTRY LICENCE** in the space provided after specify position/entitlement.

You must pay the required fee for the check, and make the cheques or money orders payable to "Australian Federal Police". Details of the fee payable can be found at: [http://www.afp.gov.au/business/national\\_police\\_checks.html](http://www.afp.gov.au/business/national_police_checks.html)

The AFP will send a Police Certificate detailing the results of the records check to you, the applicant. The Police Certificate must then be attached to the application for the security licence. The Police Certificate must not be issued more than 2 months before the date of lodging an application for a security industry licence.

If you have any convictions or finding of guilt in a court, whether Magistrates, Children's or other courts, recorded against you, whether in the ACT or any other state, territory or country, you must declare these on the police consent form. The rule of "spent convictions" applies. Details of convictions or findings of guilt that have become "spent" will not be provided to us by the Australian Federal Police.

You do not require a Police Certificate if you hold an interstate security licence for the same activities and are applying for mutual recognition of the licence.

#### 4.1.4 WHEN IS IT IN THE PUBLIC INTEREST TO ISSUE A LICENCE?

The Act provides that the Commissioner must consider whether it is in the public interest to issue a licence. This includes consideration of relevant offences and any other matter. Relevant offences are any offences against the *Security Industry Act 2003*, the *Criminal Code 2002*, the *Crimes Act 1900*, the *Firearms Act 1996* or any similar law of the Commonwealth or another jurisdiction.

The Commissioner can consider a broad range of matters, other than relevant offences, in deciding whether a particular person should be licensed. Some of the more common considerations are other criminal convictions, whether the applicant has a working visa and bankruptcy.

The ORS looks at all convictions and any other matter brought to its attention in determining whether it is in the public interest to license a particular person with their set of circumstances to do a particular security activity. Determining what is in the public interest is not always an easy task and it often involves weighing up different considerations. A series of examples of how the public interest is considered are below:

Tania has 10 convictions for drink driving. ORS considers that it is not in the public interest, due to safety concerns, to license her to undertake cash in transit security work. It may still be in the public interest to license Tania to carry out other security activities, provided there is a condition on her licence that the security work she undertakes does not include any driving.

Stuart has come to the ACT from America. He does not have a working visa as he is only here on holidays. In this circumstance the ORS considers that it is not in the public interest to licence Stuart as this would contravene other laws.

Jim has a recent conviction for robbery. ORS does not consider it is in the public interest to licence Jim to act as a locksmith.

Ally was employed as a crowd controller and was convicted for assaulting a patron at a nightclub five years ago. ORS does not believe it is in the public interest to licence Ally to carry out a crowd control activity, however it may be in the public interest to license her to carry out other security activities that do not involve liaison with the public.

## 4.2 DECISIONS ON APPLICATIONS

Following an application for a licence, the Commissioner may do any one of the following:

- (a) issue the licence; or
- (b) refuse to issue the licence; or
- (c) issue the licence subject to conditions.

If a person is not eligible for a licence because they are not an adult, or have not completed the relevant training course, then the Commissioner may issue a temporary licence if they are a trainee and will be under the direct supervision of a licensee authorised to carry on the security activity.

Any decision to refuse to issue a licence to, or issue a licence subject to conditions, can be appealed to the Tribunal.

### 4.3 FORM OF A LICENCE

If a licence is granted, it will be in the form of a card showing your name, signature, licence number and subclasses. The licence will also have your photo and an expiry date. It may also have conditions.

Crowd controllers will also be issued with a separate card bearing a unique number for that person.

Master Licences are issued in the form of a certificate which must be signed by the licensee to become valid.

### 4.4 PAYMENT OF FEES

The fees for a security licence are determined annually and change on 1 July. Current fee information is available at [www.ors.act.gov.au](http://www.ors.act.gov.au)

The fee is payable only when the application is successful. Upon payment of the fee the licence will then be issued by the ORS.

## CHAPTER 5 - RULES FOR CROWD CONTROLLERS

### 5.1 WHAT IS A CROWD CONTROLLER?

The Act includes special requirements for crowd controllers as this part of the security industry has been linked with some violent incidents. The Act does not define what a crowd controller is. The Commissioner has taken the view that a crowd controller is a person who is charged with the responsibility for:

- physically denying access to a premises, or
- physically controlling a patron or patrons conduct within the premises, or
- physically removing a patron or patrons from the premises

because the patron does not meet the requirements of entry or attendance (eg no ticket, inappropriate dress or behaviour, non-valid membership, no proof of age).

A crowd controller is also a person placed by a liquor licensee on an entry or exit to the licensed premises with responsibility to count and physically control the entry and exit of patrons and a person who as a result of a direction from the Liquor Licensing Board is stationed at an entry or exit point of a licensed premises to count patrons or check ID material.

The Commissioner has taken the view that a crowd controller is NOT a:

- bar person who in the course of serving liquor checks a persons ID or denies service because they believe the person may be intoxicated;
- bar person who is engaged in picking up glasses, cleaning the premises, or providing patron service;
- person who “meets and greets” members of licensed clubs to establish their bona fides and who does not have authority to physically remove patrons from premises or a public place;
- receptionist or staff member that does not have the authority to physically remove patrons from the premises or a public place;
- person who only collects tickets or takes payments for entry to an event or premises and who does not have authority to physically deny access or remove patrons;

- bar person checking identification to satisfy proof of age;
- person who is engaged in managing vehicular traffic flow, including providing directions for parking and traffic flow; or
- liquor licensee is not a crowd controller just because they are a licensee.

## 5.2 RULES FOR CROWD CONTROLLERS

### 5.2.1 IDENTIFICATION NUMBER

The Regulation requires master licensees to ensure that crowd controllers employed by them wear a crowd controller identification number so it is clearly visible while they are working. This number is allocated by the Commissioner and is unique to the person. It must not be worn by any person other than the person to whom it was issued by the Commissioner.

The Regulation requires crowd controllers to wear the identification number while acting as a crowd controller so that it is clearly visible.

### 5.2.2 KEEPING RECORDS

The Regulation requires master licensees to keep records about the crowd controllers employed by them. In particular they must keep written records of:

- (i) the name and address of the entity for whom the crowd controller is provided; and
- (ii) the address of the place; and
- (iii) the date the crowd controller is provided; and
- (iv) the name, address, licence number and identification number of the crowd controller; and
- (v) the name of the person (if any) supervising the crowd controller at the place; and
- (vi) the time that the crowd controller starts and finishes at the place.

The master licensee must also keep records of any of the following incidents by a crowd controller:

- (a) making forceable physical contact with, or physically restrains, someone at the place;

- (b) ejecting someone from the place; or
- (c) witnessing a physical assault.

The records of any of these incidents must include:

- the date and time of the incident;
- the location;
- the crowd controller's licence number and identification number;
- the name and address of each person involved in the incident;
- the names and addresses of the witness or of at least 2 witnesses if there were more than 2 witnesses to the incident;
- details of the incident;
- whether the police attended or were contacted; and
- details of any injuries caused by the incident.

These records must be kept for 3 years after the day they were made.

## **CHAPTER 6 - LICENCES - TRANSFERS, RENEWALS AND ALTERATIONS**

### **6.1 TRANSFER OF A SECURITY LICENCE**

The Act does not provide for the transfer of a security licence as the licence is personal to the person or business holding it. If you are transferring a security business you will need a new licence.

### **6.2 RENEWAL OF A SECURITY LICENCE**

The Act does not specifically provide for renewal of a security licence. Rather, a security licence expires after 12 months and a new licence must be sought. The Commissioner will, in most cases, re-use your licence number on any second and subsequent licence if dates are continuous.

As a general principle, ORS will remind licensees of the approaching expiry date of a licence. However, if you fail to inform the Commissioner of a change of address you may not receive advice of the approaching expiry of your licence. This may result in you forgetting to obtain another licence and becoming unlicensed.

### **6.3 VARYING A LICENCE**

Section 27 of the Act permits the Commissioner to vary a licence following an application for a variation. The considerations for a variation of a licence are the same as for the grant of a licence. If you want to add additional classes to your licence you will pay for the extra classes, but not for classes you currently have on your licence.

### **6.4 NOTIFYING THE COMMISSIONER OF CHANGES OF DETAILS**

The Act requires licensees to keep the Commissioner informed of any change in details included in the licence or the application for the licence. The main changes that the ORS receive are changes to phone numbers, name, address and employer. If you do not keep the Commissioner informed of changes then you are committing an offence punishable by a fine of \$500 for an individual and \$2500 for a company. In addition, if you fail to inform the Commissioner of a change of address you may not receive advice of the approaching expiry of your licence. This may result in you forgetting to obtain another licence and becoming unlicensed.

## CHAPTER 7 - COMPLIANCE AND RISK PROFILE

### 7.1 COMPLIANCE

ORS undertakes a range of compliance activities to regulate the security industry in accordance with the Act.

The Commissioner and Investigators are authorised to investigate any person carrying out a security activity, whether licensed or not. Some of the more common complaints that are investigated against members of the security industry are:

- performing a security activity without a licence;
- violent or inappropriate behaviour by a security licensee; and
- failing to keep an incident register or a sign-in book;

The ORS compliance strategies include:

- education;
- monitoring and inspections;
- self-regulation;
- information sharing; and
- enforcement.

The ORS conducts both routine inspections and after hours inspections. The routine inspections are generally in response to complaints, follow-up on cancelled/suspended licences, attending major events which include security, and inspections of licensed premises which include security. The after hours inspections are proactive and the focus is on responding to the high risks identified below, including:

- unlicensed security;
- inappropriate behaviour by security; and
- poor procedures by security in checking proof of age.

### 7.2 INSPECTIONS

Under the *Fair Trading (Consumer Affairs) Act 1973* the Commissioner and investigators have the power to enter premises at any time with the occupier's consent or enter

premises when open to the public or enter business premises during business hours at the premises or enter premises with a warrant.

Once they have entered the premises, investigators have a range of powers including the power to examine and copy documents, and take photographs and samples. Investigators can also require a person to give information or produce documents.

## **7.3 PENALTIES RESULTING FROM INSPECTIONS OR NON-COMPLIANCE WITH THE ACT OR REGULATION**

### **7.3.1 TYPES OF PENALTIES**

The Act provides for a range of penalties resulting from non-compliance with the Act or Regulation. In particular, the Act provides for a series of criminal offences, infringement notices and for disciplinary action to be taken against a licensee.

### **7.3.2 CRIMINAL PENALTIES**

The Act includes a number of offences that licensees should be aware of and can be prosecuted for. These are all set out in the Act, but below are the basic offences in the Act:

- carrying on a security activity without the appropriate licence;
- contravening a condition of a licence;
- failing to return a licence that is varied, suspended or cancelled;
- advertising that a person can carry on a security activity if the person is not licensed or the advertisement does not include the person's licence number;
- failing to produce a licence or other approved identification when requested by an investigator, a police officer or anyone with whom the licensee has dealings when carrying on a security activity;
- failing to wear a licence when carrying on a security activity. This offence only applies to employees carrying out particular activities;
- contravening an exemption for wearing a licence;
- giving a licence to anyone else or allowing someone else to use a licence;
- delegating the carrying on of a security activity to an unlicensed person; and

- master licensees employing unlicensed people to carry on a security activity.

### 7.3.3 DISCIPLINARY ACTION

The Act provides for the Tribunal to take action against licensees, following an application by the Commissioner. The Commissioner will apply for disciplinary action to be taken either following a complaint or following an investigation by investigators. The grounds for disciplinary action are:

- (a) the licensee is not eligible to apply for, or be issued with, a licence of the class the licensee holds;
- (b) the licensee provided false or misleading information in their application;
- (c) the licensee has contravened the Act, whether or not the licensee has been convicted for the contravention;
- (d) the licensee has contravened a condition of the licence;
- (e) the licensee has committed a relevant offence, regardless of whether they have been convicted;
- (f) it is not otherwise in the public interest for the licensee to be licensed;

The Tribunal can make a variety of decisions, including a decision to suspend or cancel a licence, issue a direction or impose a monetary penalty. These actions usually happen following an inquiry by the Tribunal where the applicant has the opportunity to be heard on the matter and can be represented by a legal practitioner.

The Tribunal must consider all matters that come before it, and the existence of facts relevant to those matters, on the basis of proof on the balance of probabilities.

Any decision made by the Tribunal can be appealed to the Supreme Court, with leave of the Court.

## CHAPTER 8 - COMPLAINTS POLICY

### 8.1 HOW TO MAKE A COMPLAINT ABOUT AN ORS OFFICER

The ORS is committed to providing customer service in a professional, efficient and respectful manner. All people have the right to raise concerns and make legitimate complaints and expect that the issues raised will be handled in a fair, confidential and responsive manner and free from repercussion or prejudice.

The ORS Complaints Policy is available at the ORS shopfront and at [www.ors.act.gov.au](http://www.ors.act.gov.au)  
The policy sets out the responsibility of the ORS to:

- recognise, promote and protect the customer's right to complain about their dealings with the ORS;
- ensure an accessible and well publicised complaints procedure is in place;
- recognise the need to be fair to both the complainant and the organisation or person complained about;
- provide a mechanism for responding to complaints in a timely and courteous manner;
- determine and implement remedies;
- provide adequate resources to support the complaints management process; and
- record, assess and review complaints on a regular basis to ensure responsive and on-going commitment to service improvement.

### 8.2 HOW TO MAKE A COMPLAINT ABOUT A SECURITY LICENSEE OR AN UNLICENSED SECURITY INDIVIDUAL OR BUSINESS

If you want to make a complaint about a security licensee or an unlicensed security individual or business, you should follow the procedure set out in the External Complaints Policy available at the ORS shopfront and at [www.ors.act.gov.au](http://www.ors.act.gov.au) If you want to make a complaint about assault by a licensee, this should be made to the police in the first instance.

Generally this policy indicates that a complaint can be made over the phone or by other informal means depending on the nature or severity of the complaint. A complaint can be made by phoning (02) 6207 3000.



255 Canberra Avenue  
Fyshwick ACT 2609

[www.ors.act.gov.au](http://www.ors.act.gov.au)

GPO Box 158  
Canberra City ACT 2601

Ph. 6207 0562

Fax. 6207 0424

E-mail: [ors.bil@act.gov.au](mailto:ors.bil@act.gov.au)

