

The Shopfront

YOUTH LEGAL CENTRE

Getting a Security Licence

1 Types of security licence

Security licences are issued by the Security Industry Registry, which is a Division of the NSW Police.

There are three groups of licences: the Master Licence for employers and registered training organisations, Class 1 Licences for manpower services and Class 2 Licences for technical services, sales and training. Class 1 and 2 licences are available for a one or five year period.

Class 1

- 1A = Unarmed guard – authorises you to patrol, protect, watch or guard property while unarmed (includes control room operations).
- 1B = Bodyguard – authorises you to act as a bodyguard or provide close personal protection.
- 1C = Crowd controller – authorises you to act as a crowd/venue controller or bouncer.
- 1E = Guard dog handler (formerly 1A) – authorises you to patrol, protect, watch or guard property with a dog.
- 1E = Monitoring centre operator (formerly 1A) – authorises you to patrol, protect, watch or guard property while carrying on monitoring centre operations (does not include control room operations).
- 1F = Armed guard (formerly 1A) – authorises you to patrol, protect, watch or guard property while armed (but only if the licensee also holds the relevant firearms licence).
- 1G = Loss prevention officer (formerly 1A) – authorises you to patrol, protect, watch or guard property while carrying on retail loss prevention.

Class 2

- 2A = Security consultant – authorises you to act as a consultant by identifying and analysing security risks and providing solutions and strategies to minimise those risks (including security site and risk assessments).
- 2B = Security seller – authorises you to sell and provide advice on security services and security equipment (other than barrier and electronic security equipment).
- 2C = Locksmith – authorises you to act as a locksmith, including selling, maintaining, repairing, servicing and providing advice on related security equipment (including barrier equipment).
- 2D = Security trainer – authorises you to provide formal training or assessment and instructions in relation to security activities.
- 2E = Barrier Equipment Specialist (formerly 2B and 2C) – authorises you to sell, install, maintain, repair, service and provide advice in relation to barrier equipment. This is not separately required by locksmiths.

- 2F = Electronic Equipment Specialist (formerly 2B and 2C) – authorises you to sell, install, maintain, repair, service and provide advice in relation to electronic security equipment.

2 Eligibility for security licence

To be eligible for a security licence, you must be:

- at least 18 years of age;
- an Australian citizen or permanent resident;
- sufficiently qualified, experienced and competent to carry on the security activity to which the licence relates (this means you must have completed an accredited course); and
- a fit and proper person to hold the class of licence you are applying for.

3 Criminal history restrictions

Section 16 of the *Security Industry Act* says that the police *must* refuse to grant your security licence application if you have:

- in the last ten years, been convicted; or
- in the last five years, found guilty (but with no conviction recorded)

of an offence prescribed by the Security Industry Regulations.

These offences are:

- some firearms or weapons offences;
- an offence relating to a prohibited plant or prohibited drug where the maximum penalty is imprisonment for 6 months or more or a fine of \$2,200 or more (this means just about any drug offence);
- an offence involving assault of any description where there was a penalty of imprisonment or a fine of \$200 or more imposed, or (if you were found guilty but not convicted) where the Commissioner of Police is of the opinion that it is a serious assault offence;
- an offence involving fraud, dishonesty or stealing where the maximum penalty is imprisonment for 3 months or more (in practice this means just about every dishonesty offence);
- an offence involving robbery;
- certain industrial relations offences;
- an offence relating to riot;
- affray;
- an offence involving stalking or intimidation;
- an offence relating to reckless conduct causing death in a workplace;
- most terrorism offences; and
- certain offences involving organised criminal groups.

If you are found guilty of an offence committed when you are over 18, a conviction will be recorded unless your charge is dismissed under section 10 of the *Crimes (Sentencing Procedure) Act*.

If you are found guilty of an offence committed when you are under 18, the Children's Court may or may not record a conviction. If you are under 16, no conviction will be recorded.

If you receive a police caution or go to a youth justice conference instead of going to court, no conviction will be recorded and you are not deemed to have been found guilty of the offence. However, you might still fail the "fit and proper person" test.

4 "Fit and proper person" restrictions

Even if you do not have a criminal history that would disqualify you, section 15 of the *Security Industry Act* allows the police to refuse you a security licence if you are not a "fit and proper person".

The Security Industry Registry may take into account any criminal intelligence report or other criminal information that is relevant to the class of licence you are seeking, and that may lead them to believe that improper conduct is likely if the licence is granted.

For example, if you have been to a youth justice conference for a serious assault, if you have an apprehended violence order (AVO) out against you, if you have had criminal charges dismissed under Section 32 of the *Mental Health (Criminal Procedure) Act*, or if there is information on the police computer system to suggest that you are involved in serious criminal activity, you may be refused a licence.

5 How to apply for a security licence

To apply for a security licence, you must make a written application to the Security Industry Registry. The application form for a Provisional, Class 1 and/or Class 2 licence (form P601) can be obtained from the Security Industry Registry or downloaded from the internet.

There are several things that you must send in with your application form, including references, photographs and a fee. The application fee ranges from \$155 - \$404, depending on the type and length of the licence.

The Security Industry Registry can be contacted at:

Security Industry Registry
Locked Bag 5099
Parramatta NSW 2124

Ph: 1300 362 001
Fax: 1300 362 066
Email: sir@police.nsw.gov.au

www.police.nsw.gov.au/about_us/structure/corporate_services/security_industry_registry

6 How to appeal against the refusal of a licence

If your application for a security licence is refused, you can apply for an internal review to the Security Industry Registry under section 53 of the *Administrative Decisions Tribunal Act*. This means writing a letter to the Security Industry Registry saying why you think their decision is

wrong and why a licence should be granted. You must do this within 28 days of receiving notice that your application has been refused.

If your application for internal review is not successful, you may appeal to the Administrative Decisions Tribunal within 28 days of the refusal of your internal review (*Security Industry Act* section 29).

There is no fee for an internal review. For an appeal to the Administrative Decisions Tribunal, there is a fee, but it can be waived in cases of financial hardship. The application form is available from the Administrative Decisions Tribunal or from <http://www.lawlink.nsw.gov.au/lawlink/adt/>.

The Administrative Decisions Tribunal can be contacted at:

Administrative Decisions Tribunal
Level 15, 111 Elizabeth Street
Sydney NSW 2000

Ph: 9223 4677

Fax: 9223 3283

**Shopfront Youth Legal Centre
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Shopfront Youth Legal Centre

356 Victoria Street

Darlinghurst NSW 2010

Tel: 02 9322 4808

Fax: 02 9331 3287

www.theshopfront.org

shopfront@freehills.com

The Shopfront Youth Legal Centre is a service provided by Freehills, in association with Mission Australia and the Salvation Army.

This document was last updated in March 2009 and to the best of our knowledge is an accurate summary of the law in New South Wales at that time.

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