

1a. Is licensing obligatory by law for private security companies, in-house private security, private security guards or all of them?

In Australia, there are six States: New South Wales (NSW); Queensland; South Australia (SA); Victoria, Tasmania and Western Australia (WA) and two Territories: Australian Capital Territory (ACT) and Northern Territory (NT)

Example Security Providers Act Queensland 1993

1 Short title

This Act may be cited as the *Security Providers Act 1993*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

4 Who is a security provider

(1) A ***security provider*** is any of the following—

- (a) a bodyguard;
- (b) a crowd controller;
- (c) a private investigator;
- (d) a security adviser;
- (e) a security equipment installer;
- (f) a security officer;
- (g) a security firm.

(2) A person employed by a security provider is not a security provider if the person's duties are only secretarial or clerical.

(3) Each of the following persons is not a security provider in carrying out the functions of the person's employment—

- (a) a police officer or a member of the police service of the Commonwealth or a State;
- (b) a member of the Defence Force;
- (c) an officer or employee of the Commonwealth or a State;
- (d) a Minister of the Commonwealth or a State;

- (e) a department of the Commonwealth or a State;
- (f) an officer of or employee in the parliamentary service established under the *Parliamentary Service Act 1988*;
- (g) a casino employee or casino key employee within the meaning of the *Casino Control Act 1982*.

(4) Also, an authorised person under the *Transport Operations (Passenger Transport) Act 1994* is not a security provider in performing a function or exercising a power under that Act.

New South Wales

The performance of security activities in New South Wales is governed by the *Security Industry Act 1997* and *Security Industry Regulation 2007*. These laws have been designed with the clear intention of providing the community of NSW with confidence in a professional security industry where competency (training), integrity and accountability are provided and maintained to a high standard.

The Security Industry Registry of NSW Police is responsible for the administration of the Act and Regulation. The most significant aspects of these laws are:

- Licenses have been placed into three groups:

Master licenses for employers and Registered Training Organisations (RTOs)

Class 1 licenses for manpower services

Class 2 licenses for technical services, sales and training.

- Licence applicants must be permanent Australian residents.
- Holders of Class 1 and/or Class 2 licences may only work for a Master Licence holder.
- Master Licence holders must be a member of an approved Industry Organisation.
- Trainers operating on behalf of RTOs are required to be licensed. They must hold a Class 2D licence.
- Criminal record clearances are required for persons intending to undertake security industry training.
- Mandatory refusal of licence applications for persons convicted of prescribed offences within the last 10 years.
- Mandatory refusal of licence where the Commission of Police considers the person is not of fit and proper character to be granted a licence.
- Mandatory refusal of licence applications for persons found guilty, with no conviction recorded, of prescribed offences within the last 5 years.
- Licences will be issued for a period of 1 to 5 years but may be suspended or revoked by the Commissioner of Police.
- Photograph licences will be issued to Class 1 and Class 2 licence holders through the Roads and Traffic Authority (RTA) and must be worn by licensees (unless an exemption has been granted).
- Training for security operatives must be conducted by a training organisation that has been registered with the Vocational Education Training Accreditation Board (VETAB) and approved by the Commissioner of Police.
- Training qualifications have been upgraded and licences will not be issued unless approved competencies are met.
- Licence applicants will be required to be fingerprinted and photographed in order to confirm the applicant's identity.

Completion of a pre-training course entitles a person to hold a provisional licence. This means that they will work under supervision until they have attained a full qualification. Security training focuses heavily on workplace assessment and has been designed to satisfy the Commissioner that licence applicants have been properly assessed and can be relied upon to carry out security duties safely. Security industry employees must hold either Class 1 or Class 2 licences, depending on which security activities they perform:

Class 1	Class 2
Unarmed Guards Bodyguards Crowd Controllers Guard Dog Handlers Monitoring Centre Operators Armed Guards Loss Prevention Officers	Security Consultants Security Sellers Locksmiths Security Trainers Barrier Equipment Specialists Electronic Equipment Specialists

NOTE: If a person is self-employed (eg, a one-person alarm installation business), he/she must have both a Master Licence AND the relevant individual licence.

Northern Territory

Security employers, whether sole traders, partnerships or corporate entities, must hold a Private Security Firm Licence. Security Industry Employees must hold a:

- Private Security Officer Licence – which allows a person to work as a private security officer
- Crowd Controller Licence – which allows a person to work as a crowd controller, or a
- Combined Crowd Controller / Private Security Officer Licence – which allows a person to work as both a crowd controller and a private security officer.

Queensland

Security firm - A security firm is a person, partnership or corporation that provides security firm services.

Class 1 security firm services are provided by bodyguards, crowd controllers, private investigators or security officers.

Class 2 security firm services are provided by security advisers or security equipment installers.

Eligibility

Security firms do not need specific qualifications to hold a licence.

However, all management staff must:

- be 18 years or older
- have no recorded conviction of a disqualifying offence within the previous 10 years, or an unrecorded finding of guilt of a disqualifying offence in the previous five years
- not be considered a risk to public safety
- hold a security provider licence as an individual (if personally carrying out security functions)
- have a business address.

In Queensland, licences for individuals are issued under two classes:

Class 1 (manpower)	Class 2 (technical)
<p>Bodyguard (a person who is paid or otherwise rewarded to carry out close personal protective services)</p> <p>Private investigator (a person who is paid or otherwise rewarded to obtain and give private information about a person without that person's permission, carries out surveillance to gather information about a person without that person's consent or investigates the disappearance of a missing person)</p> <p>Crowd controller (a person who is paid or otherwise rewarded to mainly keep order at a public place by doing any of the following: screening the entry of people into a place monitoring, controlling the behaviour of people in the place, and removing people from that place)</p> <p>Security officer (cash in transit) (a person who, for reward or payment, engages in the carrying of cash, bullion, jewellery and valuables. Security officers who are required to carry a weapon while performing their duties must apply to the Queensland Police Service for the appropriate weapons licence. Subject to Queensland Police Service approval, the licensee may hold a relevant firearm licence)</p> <p>Security officer (unarmed) (a person who, for reward or payment, personally guards, patrols or watches another person's property, without a guard dog or weapon. This also includes in-house security (someone who provides security services to their employer), security officers employed to principally guard, patrol or watch their employer's property as in-store security officers, loss</p>	<p>Security adviser (a security adviser is a person who, for reward or payment, gives advice about security equipment or security methods or principles. Security advice is specific advice provided about specific risks involved at the specific location)</p> <p>Security equipment installer (a security equipment installer is a person who, for reward or payment, installs, repairs, services or maintains security equipment)</p>

prevention personnel and security gate operators)

Security officer (monitoring) (a person who, for reward or payment, personally monitors property by operating an audiovisual or visual recording system, a radio or other electronic monitoring devices including remote monitoring of alarm systems)

Security officer (dog patrol) (a person who, for reward or payment, guards, patrols or watches another person's property, with a guard dog)

South Australia

In South Australia, any person (including a company) who carries on business or is employed as a security and/or investigation agent, must be licensed under the *Security and Investigation Agents Act 1995*. If a business operates as a partnership, then each partner must hold their own licence.

You are considered to be acting as a **security agent** if you perform one or more of the following work functions:

- Crowd controlling
- Security systems work associated with:
 - providing advice, hiring out or otherwise supplying, or installing or maintaining security alarm or surveillance systems.
- Security guarding associated with:
 - protecting or guarding a person or property or keeping a person or property under surveillance
 - preventing, detecting or investigating the commission of an offence in relation to a person or property, or
 - hiring out or otherwise supplying dogs or other animals for the purpose of protecting or guarding a person or property (ie Canine Handling).

You are considered to be acting as an **investigation agent** if you perform one or more of the following work functions:

- Collection work associated with:
 - ascertaining the whereabouts of repossessing goods that are subject to a security interest
 - collecting or requesting the payment of debts
 - executing legal process for the enforcement of a judgement or order of a court
 - executing distress for the recovery of rates, taxes or money.
- Inquiry work associated with:
 - obtaining or providing (without the written consent of a person) information about the personal character or actions of the person, or about the business or occupation of the person, or
 - obtaining evidence for the purpose of legal proceedings (whether the proceedings have been commenced or are prospective).

Tasmania

You are considered to be acting as a security and investigation agent if you perform one or more of the following work functions:

Agents Licence

Security Agent - a person who holds an agent licence authorising the person to operate a security agency. A person operates a security agency if that person:

- (a) for monetary or other consideration, agrees to undertake security guard activities; and
- (b) employs or engages another person to undertake security guard activities with that person or in that person's stead.

Crowd Control Agent – a person who holds an agent licence authorising the person to operate a crowd control agency. A person operates a crowd control agency if that person:

- (a) for monetary or other consideration agrees to undertake crowd control activities; and
- (b) employs or engages another person to undertake crowd control activities with that person or in that person's stead.

Commercial Agent – a person who, holds an agent licence authorising the person to operate a commercial agency. A person operates a commercial agency if that person:

- (a) for monetary or other consideration, agrees to undertake commercial sub-agent activities; and
- (b) employs or engages another person to undertake commercial sub-agent activities with that person or in that person's stead.

Inquiry Agent – a person who holds an agent licence authorising the person to undertake inquiry agent activities. A person undertakes inquiry agent activities if they do any one or more of the following activities for monetary or other consideration and on behalf of another person:

- (a) obtaining or providing information with respect to:
 - (i) the personal character or action of any person, or
 - (ii) the business or occupation of any person
- (b) obtaining evidence for the purpose of legal proceedings
- (c) searching for missing persons
- (d) any other prescribed activity.

Employees Licence

Security Guard – a person who holds an employee licence authorising the undertaking of security guard activities. A person undertakes security guard activities if, for monetary or other consideration, he or she does any of the following activities:

- (a) guards property
- (b) keeps property under surveillance

Further, a person employed in a shop for the purposes of preventing or minimising shoplifting is guarding property and keeping property under surveillance.

Crowd Controller – a person who holds an employee licence authorising the undertaking of crowd control activities. A person undertakes crowd control activities if, for monetary or other consideration, he or she does any of the following activities in, or in respect of, licensed premises, or premises or a place in which entertainment or sport is offered or occurs, a business or social function is being held or a protest or riot is taking or may take place, whether the premises or place is open to the public or is private:

- (a) screening entry into those premises or that place
- (b) monitoring or controlling behaviour of person, or otherwise maintaining order, in those premises or that place
- (c) removing person from those premises or that place.

Victoria

Activities that require licensing in Victoria include:

Security guard	Security guards are employed to protect, watch or guard property by patrolling the property in person or by monitoring the property through operating a security system that utilises closed circuit television, a closed monitoring system, radio or other similar alarm device.
Crowd controller	Crowd controllers are employed to maintain order at any public place, including licensed venues and events. They undertake the following activities: <ul style="list-style-type: none"> <input type="checkbox"/> screening entry <input type="checkbox"/> monitoring or controlling behaviour <input type="checkbox"/> removing persons from venues <input type="checkbox"/> maintaining order.
Investigators	Also known as inquiry agents, investigators are employed to obtain and provide information about the personal character or actions of any person; or the nature or business/occupation of any person. Investigators may be employed to search for missing persons.
Bodyguards	Bodyguards are employed to provide a close personal protection service. Bodyguards do not require licensing.
Security firms and businesses	Defined as persons wishing to provide the services of other persons to operate in any of the above activities.

Licence categories

Private Security Individual Operator Licence	Covers the following activities: <ul style="list-style-type: none"><input type="checkbox"/> Security guard<input type="checkbox"/> Crowd controller<input type="checkbox"/> Investigator<input type="checkbox"/> Bodyguard
Private Security Business Licence	Required for persons wishing to provide the services of other persons to operate in any of the above activities.
Private Security Individual Registration	Required for persons operating as a security adviser or a security equipment installer.
Private Security Business Registration	Required for persons wishing to provide the services of other persons operating as security advisers or security equipment installers.

Western Australia

The performance of security, crowd control and inquiry activities within Western Australia are governed by:

- The Security and Related Activities (Control) Act, 1996
- The Security and Related Activities (Control) Regulations, 1997

Licences are issued initially for a period of one or three years, and are renewed for periods of three years. Applicants are required to demonstrate that they meet standards of integrity and competency. Licences may be refused or revoked where these standards are not achieved or maintained. Any person who wishes to supply the services of any licensed person must hold the correct **Agent Licence**.

Agent licences (authorise a person to advertise and supply the services, not perform them):

- Crowd Control Agent
- Inquiry Agent
- Security Agent

Non-Agent licences:

- Crowd Controller** (authorises a person to monitor or control the behaviour of persons, screen persons for entry or remove people for behavioural reasons).
- Investigator** (authorises a person to investigate the conduct of individuals or corporations or the character of individuals, perform surveillance work or investigate missing persons).

- **Security Consultant** (authorises a person to investigate and advise on matters relating to the watching, guarding and protection of property as well as going from place to place seeking out persons who may be prepared to enter into contracts for the supply of security equipment or services).
- **Security Installer** (authorises a person to install security equipment controlled by the Act. This licence does not apply to installers of security equipment in vehicles, vessels or aircraft).
- **Security Officer** (authorises a person to watch, guard and protect property. Holders of this type of licence are sometimes known as 'SecurityGuards'. Security Officers may be approved to carry firearms or batons only in certain situations and may not carry any other weapon at any time. Without a specific licence endorsement, no weapons may be carried by a Security Officer while he or she is performing licensed activities).

1c) Which responsible/competent authority (eg the Ministry of Interior, Ministry of Justice, other bodies) issues and renews this/these licenses?

ACT Regulator

Office of Regulatory Services
ACT Department of Justice and Community Safety
GPO Box 158
Canberra City ACT 2601
Telephone: 02 6207 0400
Website: www.ors.act.gov.au

NSW Regulator

Security Industry Registry
NSW Police Force
Locked Bag 5102
Parramatta ACT 2124
Telephone: 02 6207 0400
Website: www.police.nsw.gov.au

NT Regulator

Office of Gaming, Racing and Licensing
Department of Justice
GPO Box 1722
Darwin NT 0801
Telephone: 08 8999 1800
Website: www.nt.gov.au/justice/departement.shtml

Queensland Regulator

Office of Fair Trading
Department of Employment, Economic Development and Innovation
GPO Box 3111
Brisbane QLD 4001
Telephone: 13 13 04
Website: www.fairtrading.qld.gov.au

SA Regulator

Office of Consumer and Business Affairs (OCBA)
Levels G-4, Chesser House
91-97 Grenfell Street
Adelaide SA 5000
Telephone: 08 8204 9686
Website: www.ocba.sa.gov.au

Tasmanian Regulator

Office of Consumer Affairs and Trading
GPO Box 1244
Hobart TAS 7001
Telephone: 1300 65 44 99
Website: www.consumer.tas.gov.au

Victorian Regulator

Licensing Services Division
Victoria Police Centre
637 Flinders Street
Melbourne VIC 3005
Telephone: 1300 651 645
Website: www.police.vic.gov.au

WA Regulator

Commercial Agents Unit
Police Licensing Services
297 Hay Street
East Perth WA 6004
Telephone: 08 9231 7199
Website: www.police.wa.gov.au

Licenses relating to use of firearms

The list below details the Australian Registry Office responsible for the issuing of licences relating to the use of firearms:

Authority	Address	Phone	Fax
<u>Victorian Firearms Licensing Services</u>	GPO Box 2807AA Melbourne VIC 3001	03 9247 3288	03 9247 3196
<u>New South Wales Firearms Registry</u>	Locked Bag 2000 Peakhurst NSW 2210	02 9930 6229	02 9930 6289
<u>ACT Weapons Registry</u>	PO Box 401 Canberra ACT 2601	02 6245 7402	02 6245 7259
<u>South Australia Police Firearms Division</u>	GPO Box 1539 Adelaide SA 5001	08 8204 2519	08 8204 2303
<u>Queensland Police Weapons Licensing Branch</u>	GPO Box 892 Brisbane QLD 4001	07 3364 4416	07 3364 4863
<u>Western Australia Police Firearms and Weapons Branch</u>	210 Adelaide Terrace East Perth WA 6000	09 9231 7000	09 9231 7029
<u>Northern Territory Police Firearms Policy and Records Unit</u>	PO Box 39764 Winnellie NT 0821	08 8922 3541	08 8922 3540
<u>Tasmania Police Firearms Registry</u>	GPO Box 1264 Hobart TAS 7001	03 6230 2720	03 6230 2765