



# A guide to the Security and Investigations Agents Act 2002

Introductory information  
for security, crowd control, inquiry and  
commercial agent licensees in Tasmania

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## DISCLAIMER

This document is prepared as a layman's guide to the law relating to security industry licensing in Tasmania. No responsibility is accepted for any errors or omissions, which it may contain. For precision, reference should be made to the *Security and Investigations Agents Act 2002*.

## INTRODUCTION

### **Security and Investigations Agents Act**

These guidelines are for those persons seeking to be licensed under the Act. They contain information to assist you in determining your eligibility to be licensed, completing your application and your responsibilities once licensed.

### **Copy of the Act and Regulations**

A person wishing to seek employment in the security industry in this State should obtain a copy of the Security and Investigations Agents Act 2002 and the Regulations. Copies of the Act and Regulations are available from the

Print Applied Technology Pty Ltd  
123 Collins Street  
Hobart Tasmania 7000  
Telephone: 1800 030 940

The legislation may also be viewed at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

### **Offence to work without a licence**

It is an offence to undertake licensable activities in the industry without holding the appropriate licence. A maximum penalty of \$120,000 may apply. Further, a person who is not appropriately licensed may not be entitled to payment for any services rendered while acting in a licensable activity.

## DO I NEED TO APPLY FOR A LICENCE?

### **Who needs to obtain a licence**

Any person wishing to carry out any of the licensed activities listed below is required to hold a licence.

### **AGENT LICENCE**

#### **Security Agent**

Means a person who holds an agent licence authorising the person to operate a security agency.

A person operates a security agency if that person

- for monetary or other consideration, agrees to undertake security guard activities
- employs or engages another person to undertake security guard activities with that person or in that person's stead

#### **Crowd Control Agent**

Means 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

- for monetary or other consideration agrees to undertake crowd control activities
- employs or engages another person to undertake crowd control activities with that person or in that person's stead

**Commercial Agent**

Means a person who holds an agent licence authorising the person to operate a commercial agency.

A person operates a commercial agency if that person

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

**Inquiry Agent**

Means 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:

obtaining or providing information with respect to

- the personal character or action of any person
- the business or occupation of any person
- obtaining evidence for the purpose of legal proceedings
- searching for missing persons
- any other prescribed activity

**EMPLOYEE LICENCE**

**Security Guard**

Means 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;

- guards property
- 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**

Means 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:

- screening entry into those premises or that place
- monitoring or controlling behaviour of persons, or otherwise maintaining order, in those premises or that place
- removing persons from those premises or that place

A person is NOT undertaking crowd control activities if that person does nothing more than check that persons seeking admission to any premises or place have paid the required admission fee or have invitations or passes allowing entry to those premises or that place.

**Commercial  
Sub-Agent**

Means a person who holds an employee licence authorising the undertaking of commercial sub-agent activities.

A person undertakes commercial sub-agent activities if they do any of the following activities for monetary or other consideration

- ascertaining the whereabouts of, or repossessing, a good or chattel that is the subject of a security interest
- collecting or requesting the payment of a debt
- executing legal process for the enforcement of a judgement or order of a court
- levying distress
- any other prescribed activity

## **INELIGIBILITY TO APPLY FOR A LICENCE**

**Ineligibility**

Section 5 of the Act makes certain persons ineligible to apply for a licence and provides as follows:

- (1) A person is ineligible to apply for a licence if the person has been convicted in Tasmania or elsewhere of one or more indictable offences and sentenced to
  - (a) imprisonment for a term or terms in the aggregate of 3 years or more or
  - (b) a period of detention for 3 years or more under a restriction order made under section 75(1)(e) of the Sentencing Act 1997 or an equivalent order elsewhere
- (2) Ineligibility to apply for a licence under subsection (1) extends for a period of 5 years from the completion of the term of imprisonment or period of detention.
- (3) A conviction in respect of which a free pardon has been granted is to be disregarded for the purpose of subsection (1).
- (4) A person who is on parole is taken to be serving a sentence of imprisonment.

**Prescribed  
offence**

Prescribed offence means

- (a) an offence involving dishonesty, whether committed in the State or elsewhere
- (b) an offence involving violence, whether committed in the State or elsewhere
- (c) an offence under the Poisons Act 1971 or Misuse of Drugs Act 2001, or a similar offence under the law of another State or a Territory of the Commonwealth

**Prescribed offence (continued)**

(d) an offence relating to the possession and use of a firearm, or any other weapon, that would disqualify the applicant from holding a licence under the Firearms Act 1996

(e) an offence against this Act

**Examples of disqualifying offences**

*Which could disqualify an applicant from being granted a licence (this is not an exhaustive list)*

**Violence**

- Acts intending to cause grievous harm
- Assaults on police
- Attempt to murder
- Bodily harm
- Common assault
- Indecent dealing with a child
- Manslaughter
- Murder
- Rape
- Sexual assault

**Dishonesty**

- Blackmail
- Burglary
- Deception
- Extortion
- Forgery
- Obtaining or acquiring a financial advantage
- Receiving stolen property
- Robbery
- Stealing

**Drugs**

- Cultivation
- Manufacture and production
- Possession
- Receiving
- Supply dangerous drug
- Under the influence of a drug

**Firearms**

- Prohibited use of firearms
- Prohibited weapons
- Unregistered firearms
- Fail to take all precautions to ensure safekeeping of firearm
- Possess a firearm when not the holder of a firearm licence of the appropriate category

**If you were born overseas**

If you were born overseas you must supply a copy of one of the following:

- Australian Citizenship papers
- Australian Passport
- Certificate of Residency
- Foreign Passport – showing entry stamp into Australia
- Visa papers

If a person has resided in Australia for less than 3 years it is the Commissioners view that this is insufficient to establish good character for the purposes of an application.

If a person has resided less than 3 years in Australia and wishes to make application they must be able to provide the equivalent of an "Australian Criminal Record" from their country of origin.

If the country of origin does not issue such reports, the applicant will not be in a position to apply.

# THE PROCESS OF OBTAINING A LICENCE

## **Completing the application form**

Please take a reasonable amount of time to complete the application, an incorrect application form will be sent back for correction and this can delay the processing of your application.

It is important that you tick the activities you wish to be licensed to undertake. If you do not tick all the activities you wish to undertake your licence and identity card will only reflect what you have indicated on the application.

Supply your full name, date and place of birth, your address details and at least one phone number.

If you provide an email address you will receive the Security Industry Bulletin. This quarterly news bulletin provides updates on important issues in the Tasmanian Security Industry.

The questions on the application form do not refer to the last few years, they refer to your entire lifetime.

If you have lived in another part of Australia even if only for a month you must state this.

If you have any conviction that is not traffic related (whether it is listed on your National Police Report or not) you must answer yes to the appropriate questions and declare when the offence occurred.

You must sign the declaration and have your signature witnessed.

If you have stated something on your application that is not true or you have given false and misleading information, (answered no to a question, when it should have been a yes) you may be charged with making a False Declaration and be ineligible to have a licence issued.

## **Photographs**

You must provide 2 identical colour photographs of yourself that conform to the following requirements.

If they do not they will not be accepted and you will be requested to supply new photos. This can delay the processing of your application.

- The photographs must be:
- not more than 6-months old
- 45–50mm in height and 35–40mm in width
- have a plain light-coloured background (no pictures, chair backs etc visible)
- be in sharp focus and clear
- taken with uniform lighting
- be of high quality with no ink marks or creases
- printed on high quality paper, and at high resolution
- be a close up of your head and top of your shoulders so that your face takes up 70–80% of the photograph
- show you facing square on to the camera, not looking over one shoulder (portrait style) or tilted, and showing both edges of your face clearly, show your eyes open and clearly visible
- show no hair across your eyes or head covering (hats)

Photos are required to be witnessed on the back by a person who has known you for at least 12 months. The person who witnesses the photos must sign a section on the application form.

## **Bankruptcy report**

If you are applying to undertake the licensed activity of Security Agent, Crowd Control Agent, Inquiry Agent, Commercial Agent or Commercial Sub Agent you will be required to provide a bankruptcy report on yourself.

Those who are completing an Employee Application and tick the activity of Security Guard or Crowd Controller do not need to supply their bankruptcy report.

You can obtain a bankruptcy report from the following organisations:

### **Insolvency and Trustee Service (ITSA)**

Phone: 1300 367 785 Website: [www.itsa.gov.au](http://www.itsa.gov.au)

### **Espreon**

Phone: 1300 305 205 Website: [www.espreon.com](http://www.espreon.com)

### **Australian Business Research**

Phone: 1300 366 402 Website: [www.abr.com.au](http://www.abr.com.au)

### **Confirm**

Phone: 1800 773 773 Website: [www.confirm.com.au](http://www.confirm.com.au)

## **National Police record**

You will be required to provide your National Police Record (full details).

You may lodge your application for a licence as long as you have requested the National Police record from Tasmania Police, and are requesting that it be forward to Consumer Affairs.

Or you may wish apply for your police report before making application; if you do this the report must be dated within 30 days of the date of when you lodge the application form.

To obtain this certificate you will need to apply to the Tasmanian Police Criminal History Service. Phone: 03 6230 2929.

You **must** lodge the original police report or a **certified** copy.

If you lodge a Tasmanian record instead of a National record, or an uncertified copy or a report that is over 30 days old, it will not be accepted and you will be requested to supply an original or new National Police Report. This can delay the processing of your application.

The only Criminal History reports that will be accepted **must** have been issued by a Police Department.

## **Training requirements**

To hold a licence you are required to undertake specific training competencies relevant to each activity being applied for.

For the activities of Security Guard, Security Agent, Crowd Controller and Crowd Control Agent, you must have enrolled with a registered training provider and completed the required prerequisite units of training before you make application. Once a licence is issued, the remaining training units are required to be completed within 10 months.

For the activities of Inquiry Agent, Commercial Agent and Commercial Sub-Agent there are no prerequisite training requirements, applicants have 10 months to complete the require training form the date of the licence being issued.

A person can not make reapplication for an activity if they have not completed the required training.

The only documents that will be accepted for recognition of your qualifications and experience will be:

- a Statement of Attainment from a registered training provider, if you have completed a course; or
- a Certificate of Equivalency from a registered training provider verifying that they have recognised other qualifications and experience that you have, as being the equivalent of the required accredited course.

A complete list of training courses and training providers is available from our website.

### ***Processing time***

Consumer Affairs understands the need to process your licence as quickly as possible and has an application processing time of around 4 weeks (this includes the time for Tasmania Police to conduct their report which generally takes them 3 weeks).

When an application is correct, we are required under Section 7(2) of the Act, to send a copy to Tasmania Police. The Commissioner of Police will report back to this office any matters that he thinks may affect the issuing of a licence.

All applicants must allow at least four weeks from the date of lodgement before enquiring on the progress of an application.

You can assist the department to process your application as quickly as possible by ensuring you complete the application form fully, sign the declaration and ensure that all the required supporting documents are supplied.

Applications that are not completed correctly or are missing supporting documentation will be returned, or you will be sent a letter asking you to address the issues. This will delay the processing time of your application.

## **BEAWARE OF THE FOLLOWING**

### ***Change of address***

The holder of a licence must advise Consumer Affairs & Fair Trading of any change of address within 30 days of that change.

### ***Advertising***

Any advertisement relating to the undertaking of a licensed activity must state the registered licence number issued by Consumer Affairs & Fair Trading.

<b>Display of Licence</b>	The holder of an agent licence must display the licence in a conspicuous position in their place of business.
<b>Displaying Identity card</b>	Those undertaking the activity of security guard must clearly display the licence on their person.
<b>Wearing an identifying number</b>	When undertaking crowd control duties, a crowd controller must wear an identifying number that is clearly visible on their person.
<b>Producing licences</b>	The holder of a licence must produce their identity card on demand from <ul style="list-style-type: none"> <li>• a Police Officer or</li> <li>• an Officer from Consumer Affairs &amp; Fair Trading.</li> </ul>
<b>Stating name etc</b>	A Police Officer or an Officer from Consumer Affairs & Fair Trading, can verbally or in writing request that you provide your name, residential addresses, date of birth and age, to confirm you hold a licence under the Act.
<b>Register to be maintained</b>	A crowd control agent or a licensee who engages crowd controllers on any occasion must maintain a crowd control register. The crowd control register must be readily available for inspection and copying if requested by a Police Officer or an Officer from Consumer Affairs & Fair Trading.
<b>Trust Account</b>	The holder of a commercial agent licence must maintain a trust account in an authorised deposit-taking institution in Tasmania.
<b>Recovery of money</b>	A person undertaking commercial agent activities must not demand directly or indirectly from a debtor any payment other than the debt owed.
<b>Keeping your licence current</b>	<p>To maintain the currency of your licence, you must re-apply at the end of each licence period. In the case of an Employee licence holder this will mean reapplying each year, for an Agent licence holder this will mean re-applying every 3 years.</p> <p>A re-application form should be lodged 30 working days before the expiry date (a working day is Monday to Friday).</p> <p>Example: Licence expires 15 December application should be lodged no later than 20 October. Lodging a form inside the 30 day period increases the risk that your old licence will expire before a new licence is issued.</p> <p>Lodging a form and receiving a receipt does not mean you are authorised to continue working. Once a licence has expired, the authority to undertake licensed activities is withdrawn.</p> <p>If an application is lodged after the expiry date, you will be deemed to be a new applicant and will have to meet the requirements for a new applicant. You will be unable to work until a licence has been issued.</p>

## PROHIBITED BEHAVIOUR

### ***Employing unlicensed person***

A person must not employ or engage another person to undertake any activity stated in these guidelines if they do not have a licence issued by Consumer Affairs & Fair Trading.

### ***Harassment***

A person must not engage in harassment while undertaking any activity under the licence.

### ***Undertaking work while intoxicated***

You must not undertake any activity authorised on your licence while under the influence of alcohol or drugs.

### ***Defacing or altering a licence***

You must not, nor allow another person to, deface or alter an identity card or identifying number.

## ENQUIRIES

### ***How to obtain the right forms***

Application forms can be obtained from the Consumer Affairs & Fair Trading website or by contacting the office.

### ***Complaints***

Any complaints about a person undertaking any of the activities listed in these guidelines, should be directed in writing to Consumer Affairs & Fair Trading.

### ***Contact details***

Consumer Affairs and Fair Trading  
GPO Box 1244  
Hobart Tasmania 7001

Telephone (03) 6233 2199  
Fax (03) 6233 4882  
E-mail [business.affairs@justice.tas.gov.au](mailto:business.affairs@justice.tas.gov.au)  
Website [www.consumer.tas.gov.au](http://www.consumer.tas.gov.au)

## CONTACT DETAILS

Department of Justice  
Consumer Affairs and Fair Trading  
15 Murray Street  
HOBART TAS 7000  
Telephone: 1300 654 499  
Facsimile: 03 6233 4882  
Email: [consumer.affairs@justice.tas.gov.au](mailto:consumer.affairs@justice.tas.gov.au)  
Website: [www.consumer.tas.gov.au](http://www.consumer.tas.gov.au)



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